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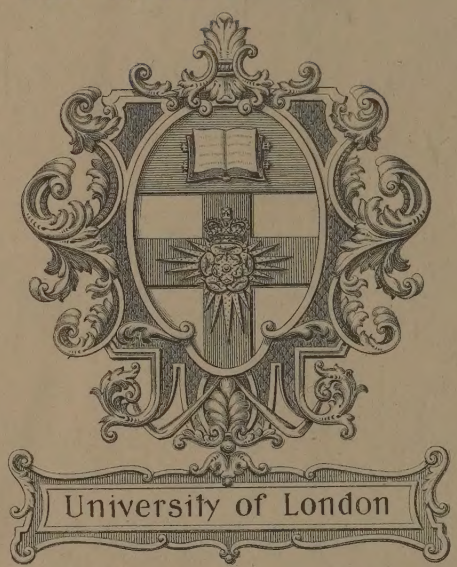

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ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

—*(13.)*—

EAST INDIA.

NATIVE GOVERNMENT AND PRINCES.

Session

5 *February* —— 6 *August* 1861.

VOL. XLVI.

1861.

ACCOUNTS AND PAPERS:

1861.

THIRTY-SIX VOLUMES:—CONTENTS OF THE

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India Office,
14 February 1861.

J. W. KAYE,
Secretary in Political Department.

(*Lord Stanley.*)

Ordered, by The House of Commons, *to be Printed*,
15 *February* 1861.

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(No. 18.)

To the Right Honourable Sir *Charles Wood*, Bart., M.P., Secretary of State for India.

Foreign Department, Camp Agra,
6 December 1859.

Sir,

I HAVE the honour to address you on the subject of the native State of Dhar, with reference to the instructions of the Court of Directors and of the Secretary of State for India, dated the 22d of June 1858 and the 1st of March 1859.

2. I beg that the time which has elapsed in dealing with this important matter may not be attributed to a desire on my part to delay the execution of the orders of the Secretary of State. It is my duty to point out to Her Majesty's Government any reasons which in my opinion should prevail against the course which recommended itself to their judgment, and I have been desirous, before doing this, to assure myself by personal communication with the chief officers of Central India, Rajpootana, and Bundelcund, in all of which countries the relations of the paramount power to the several Indian states are very similar, that the grounds upon which these reasons rest are of general application, and, in the opinion of men who have had much recent experience of the temper and character of the ruling authorities in native states, sound and practical.

3. That the circumstances attending the revolt of Dhar were such as, in themselves, to justify the punishment of that state and of its rulers by the transfer of all authority within it to other hands, is, I submit, clearly established by the testimony of the British officer, who was necessarily most thoroughly acquainted with them in all their details. The complicity of the durbar, the determined character of the resistance offered, the attempt to extend that resistance by raising rebellion against the British Government in other districts, and the desperate peril to which all Englishmen in Malwa and the adjacent parts of India would have been exposed if the attempt had, at that early period of the revolt, and in the time of our greatest weakness, been successful, are shown in the letters of Colonel Durand, then acting as agent of the Governor General in Central India. My views on this part of the question are set forth in the letter addressed by my orders to Sir Robert Hamilton, on the 12th of August 1858, and I am obliged to say that the reply of Sir R. Hamilton, of the 30th of August, does not alter them in any material respect.

4. But the youth of the present chief of Dhar, and the possibility that his ministers were so coerced by the soldiery, especially by the Mahomedan mercenaries, that they had no power to be loyal, are the grounds upon which it is thought that indulgence should be shown to them.

5. That the durbar took a disloyal course unwillingly there is no satisfactory evidence whatever; and had they been unwilling participators in rebellion, ways were not wanting by which they might have evinced this to the Governor General's agent.

6. The youth of the chief is undoubtedly a plea in his own personal behalf; but I am compelled to say that the present case is one in which, as it seems to me, personal considerations should give way to those which have for their object the security and authority of the British Government in India.

7. In the centre of the British empire in India lies a large circle of country, nearly 500 miles in diameter, occupied almost exclusively by native feudatory

states. The obligations by which these states are bound to the British Government are very little onerous. In the case of Dhar there were no obligations at all, except the obvious and general one of allegiance and the maintenance of peace. On the contrary, Dhar, as shown in the Despatch from the Honourable Court of Directors of the 22d of June 1858, owed its prosperity and its existence to the favour of the British Government; and yet, if there is a state in India to which the designation of "leader in rebellion" is preëminently applicable, it is Dhar.

8. I respectfully submit that if the authority of the British Crown over its feudatories is to be maintained, Dhar cannot escape the severest punishment.

9. But it may be thought that the punishment should be limited to the soldiery and to the durbar, including the relatives of the chief who are known to have had share in the rebellion. I trust that Her Majesty's Government will not be of this opinion.

10. It is a fact, arising from natural causes, that there is invariably amongst the native states of India, a large proportion, of which the chiefships are in the hands of minors, or which, for other reasons, are governed by regencies. Within the circle of which I have spoken there are at the present time not less than seven states in this condition. If it be once supposed that a state, the head of which is in his minority, or very young, and for the administration of which the durbar is responsible, will on that account, and even in the event of its violating its obligations to the paramount power, be treated with more than usual indulgence, the difficulties generally attendant upon our dealings with such states will be enormously increased. If the durbar and the relatives of the young prince see reason to think that the dynasty to which they are attached is safe against the consequences of their intrigues, misgovernment, and neglect of the allegiance of their state to the paramount power, our hold over them will be slight indeed. The fall of their own fortunes they will risk without hesitation, when they would carefully abstain from any act which would bring loss and injury upon the house of their chief. Moreover, it is not too much to say, that if the principle of not holding a state, during the minority of its chief, responsible for the acts of the durbar, be once established, a temptation will be afforded to the unprincipled men who are not unfrequently to be found in these native durbars, to save the state or dynasty against all risks, by taking care that the throne shall be occupied by a minor chief.

11. I am strongly opposed to the interference of this Government in the internal affairs of the feudatory states, unless in the last extremity, and I consider that then it should be as limited and short as possible. You have approved this principle of action in the recent case of the Ulwur State. But just in proportion as we desire to avoid vexatious interference in petty matters, we must be severe and firm in flagrant cases of rebellion and of continued resistance to our arms.

12. I believe that in no other way can the great feudal empire of the British Crown in Rajpootana, Central India and Bundlecund (to say nothing of the feudatory states in other parts of India) be held together.

13. These are the reasons which lead me very respectfully to urge upon Her Majesty's Government that the confiscation of Dhar be confirmed.

14. I believe that there is not an officer of experience in the countries which I have above named, who does not feel the validity of them; and the officers now in chief authority there are not less zealous for a fair and generous policy towards the states to which they are accredited than any of their predecessors.

15. As to the disposal of the principality, I never entertained the thought of recommending that the territory be retained by the British Government. Such a measure would be politically an embarrassment, and financially little gain to the Government. Indeed, to govern the territory as a British possession would probably entail loss upon us for some time to come.

16. The disposal which I recommend is this: first, that the bulk of the Dhar Principality be granted in perpetuity to Maharaja Sindia; second, that the Maharaja bind himself and his heirs to give in perpetuity a grant to the Dhar family of lands yielding a lakh of rupees yearly, to be held as a fief under his Highness, but also under guarantee of the British Government. This is an arrangement

arrangement which, whilst it would increase the dignity and authority of the Maharaja of Gwalior, in a way otherwise unattainable, would not, in my opinion, press with undue harshness on the house of Dhar.

17. The pergunnah of Bairseah, though separated from Dhar, belongs to it. As to the loyal native state to which this pergunnah should be ceded, I shall have the honour of addressing you separately.

I have, &c.
(signed) *Canning.*

(No. 29.)

To the Right Honourable Sir *Charles Wood*, Bart., M. P., Secretary of State for India.

Foreign Department, Camp Delhi,
Sir, 30 December 1859.

WITH my Despatch, No. 18, dated 6th instant, relative to the State of Dhar, I only forwarded a copy of the letter to the address of the Agent to the Governor General for Central India, No. 276, dated 12th August 1858, as time did not permit of my sending all the papers on the subject. I have now the honour to transmit a copy of these papers, as per accompanying abstract of contents.

I have, &c.
(signed) *Canning.*

(No. 70.)

From Sir *R. Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General; dated Camp Saugor, 22d February 1858.

Sir,

I HAVE the honour to report that the orders conveyed in your Despatch, No. 4878, dated 7th December 1857, with respect to the Rajah of Dhar, have been fully carried out, as will be learnt by a perusal of the accompanying correspondence.

2. On receipt of your Despatch, I issued instructions to Captain Hutchinson, and addressed a letter to the young Rajah, as well as to the Ranee, explaining fully the decision of the Right Honourable the Governor General.

3. Translation of my letter is annexed, as also translation of a proclamation I caused to be promulgated after.

4. Captain Hutchinson not being able to proceed in person to Dhar, deputed Meer Shahmut Ali, Native Assistant, to Dhar, to carry out the orders. Copy of his report is also annexed, by which it appears that it is now perfectly understood by all classes of people that, owing to the disloyal conduct of the durbar, the State is entirely at the disposal of the British Government, and that the authority of Anund Rao Powar has ceased to exist.

5. Understanding that the troops and establishments were greatly in arrears of pay, I thought it advisable that they should be informed that they should be retained in service, rather than be allowed to scatter abroad, and become disaffected. It now appears that they are nine months in arrears, and measures will be at once adopted to make up and adjust their accounts, which may be paid out of the balance of cash in hand, or out of the funds lodged in the Mhow Fort, amounting to about eight lacs of rupees, for the disposal of which I beg instructions. The jewels and other articles mortgaged should be allowed to be redeemed.

6. It appears in the statement of jagheers, that the Ranee was in the receipt of 31,718 rupees per annum, derived from the rent of six villages, and 1,503 rupees in cash.

7. Captain Hutchinson gave no opinion as to what would be a proper maintenance for her or the young Rajah. I did not consider it would be desirable to allow her to retain villages; but that a monthly disbursement, to the extent of 3,000 rupees, be allowed for the maintenance of the Rajah and the Ranee, until such time as their stipend can be properly calculated.

8. A report will be called for on the remaining stipendiaries of the State, which will be hereafter submitted.

9. In respect of the Fort of Dhar, Captain Hutchinson is opposed to its demolition, on the ground that there should be a secure place for the residence of the officers and of the Treasury. Meer Shahmut Ali reports the buildings in a state of complete ruin, and hardly habitable, and that a large outlay must be incurred in their repairs. With respect to the buildings, I have called for a further report; but I am not prepared to recommend that the breach be repaired, or that the fort walls be again strengthened.

10. It being extremely desirable that we should have a distinct force for local purposes in Dhar and the adjoining district of Amjherra, I have, as a temporary measure, subject to the sanction of the Governor General, directed Captain Hutchinson to embody the good men of the extinct Malwa Contingent into the Bhopawur levy, on the rates of pay they received in the Malwa Contingent, previous to the outbreak of the sepoy mutiny, and placed the whole under the command of Lieutenant Dysart.

11. The cost of this levy will be a charge on the Dhar and Amjherra States, into whose fixed establishments they may eventually be drafted when the future disposal of these two States is finally decided.

12. These orders were carried into effect as a precautionary measure, as a detachment of Her Majesty's 86th were about to arrive at Dhar, *en route* from Baroda to Mhow; but the perfect tranquillity and good order which existed did not necessitate the halt of the detachment, or delay their march a moment.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 242.)

From Sir *R. Hamilton*, Bart., Agent to the Governor General for Central India, to Captain *A. R. E. Hutchinson*, Bheel Agent, and Political Assistant in charge of Residency; dated Camp Goolgunj, 19th January 1858.

Sir,

I HAVE the honour to forward to you copy of a letter No. 4878, dated 7th December last, from the Secretary to Government of India, conveying the decision of the Right Honourable the Governor General in regard to the Dhar State. I also transmit a khureeta to the Rajah of Dhar, as well as one to the Ranee, which you will deliver yourself, or cause to be delivered to them as soon as possible. Translation of the khureeta is annexed, and an ishtahar to the same purpose, requiring all persons and subjects within the Dhar State to pay obedience to the British officers appointed to conduct the administration of the state, consequent to the treaty having been abrogated and annulled by the base conduct of the durbar. Fully to carry out the views of Government, I appoint you Superintendent of the Dhar State, and authorise you to entertain an establishment for its proper and economical management.

2. All unnecessary establishment must, as soon as practicable, be discharged. You are requested to report as to the amount of provision you may consider suitable for the young Rajah and the Ranee, that I may report on this point to the Right Honourable the Governor General in Council.

3. As soon as you are in a condition to report on the revenues, expenses, and general condition of the Dhar State, and what may be the probable cost of its future

future management, I beg you will submit a report for my information, and for communication to the Government of India.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

To the Rajah of Dhar.

My Friend,

On the 1st October 1857, you had the good fortune to be informed that the Government of India had, in observance of treaties existing with the Dhar State, and its known desire to regard the rites and customs of its loyal supporters, acknowledged you as the adopted son and successor of the late Anund Rao Powar. The Government of India did not expect that the obligation of the treaty would soon be lost sight of by those who administered the affairs of the Dhar State, as was exhibited before and at the recent hostile proceedings at Dhar. Such ungrateful and unfaithful conduct cannot be overlooked in these times in any state; certainly not in one like Dhar, which has so recently received the marked favour of the British Government. The treaty with the Dhar State has been completely abrogated by the act of that durbar, and the Government of India is consequently at perfect liberty to act as it seems fit in reference to the Dhar State. I am therefore to communicate to you that, whilst my Government reserves to itself the right to dispose of the Dhar State hereafter, in such manner as may seem fitting, you can never hope that it will be restored to you. Every provision will be made for your maintenance, and that of the Ranee, in reasonable comfort, though not in pomp or dignity. I have instructed Captain Hutchinson to assume the entire management of the Dhar State. The jageers of Dewan Ramchunder Rao, and of all other members of the durbar, are confiscated, as well as any village or lands that may be held by Bheem Rao, or other disaffected persons. You will continue for the present to reside at Dhar, and you will conform to whatever instructions you may receive from Captain Hutchinson, the Superintendent of Dhar.

(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

Indore Residency, Camp Goolgŭnj,
19 January 1858.

To all the Subjects and People of the Dhar State; dated 19th January 1858, Camp Goolgunj.

Be it known to you that in October last the British Government had, in observance of the treaties existing with the Dhar State, and its known desire to regard the rites and customs of its loyal supporters, acknowledged Anund Row Powar as the adopted son and successor of the late Yeswunt Rao Powar. But it did not expect that the obligations of the treaty would so soon be lost sight of by those who administered the affairs of the Dhar State, as was exhibited at the recent hostile proceedings at Dhar. Such ungrateful and unfaithful conduct cannot be overlooked in these times in any state, especially in one like Dhar, which has so recently received the marked favour of the British Government. The treaty with the Dhar State has been completely abrogated by the act of that durbar, and the Government of India is consequently at perfect liberty to act as it sees fit in reference to the Dhar State. But let it be known to you that Anund Rao Powar, whose authority has ceased, can never hope that this state will be restored to him; a provision will be made for him and the Ranee. This proclamation is consequently issued for your information, and it is incumbent on you that you should sincerely pay obedience to the British officers appointed to conduct the administration of the Dhar State, consequent to the treaty having been abrograted and annulled by the base conduct of the durbar.

(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 69 of 1858.)

From Captain *Hutchinson*, Bheel Agent and Political Assistant to Sir *Robert Hamilton*, Bart., Agent to the Governor General of Central India; dated Bhopawur Agency, Camp Indore, 15th February 1858.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 242 A. of 1858, and its accompaniments.

2. In reply, I beg to report that on the 9th instant I deputed Meer Shahamut Ali, Native Assistant, with instructions (copy of my letter to that officer is annexed), for the purpose of carrying out the orders of the Supreme Government.

* 1 Native officer.
2 Havildars.
2 Naicks.
46 Rank and file.

3. I also detached a party, as per margin,* of the Infantry Malwa Contingent, as an escort for that officer.

4. Meer Shahamut Ali reached Dhar on the 13th, and on the morning of the 14th, the khureetas were delivered and read in full durbar, and the proclamation was afterwards made known to the troops and the inhabitants. The detachment of Her Majesty's 86th Royals reached Dhar on the morning of the 14th; but though I have requested the commanding officer to make a halt, should Meer Shahamut Ali request it, I am in hopes that the detachment will not be delayed.

5. I have styled Meer Shahamut Ali as Officiating Superintendent of the Dhar affairs, which I trust will meet your sanction.

I have, &c.
(signed) *A. R. E. Hutchinson*,
Bheel Agent, and Political Assistant
Superintendent of Dhar.

(No. 66 of 1858.)

From Captain *A. R. E. Hutchinson*, Bheel Agent, and Political Assistant Agent to the Governor General, to Meer Shahamut Ali, Native Assistant Agent to the Governor General, Camp Indore; dated Bhopawur Agency, Camp Indore, 10th February 1858.

Sir,

IN continuation of my letter, No. 14, of 1858, I have the honour to request that you proceed to Dhar, and there carry out the orders of the Supreme Government.

2. Enclosed are two khureetas, which must be delivered by yourself to the chief; after this has been accomplished, the accompanying proclamation must be published throughout the districts belonging to the Dhar State.

3. Annexed are the instructions to myself of the Agent Governor General for Central India in original, which, after you have taken a copy, I shall feel obliged by your returning to me.

4. You will have to report on the revenues, expenses, and general condition of the Dhar State, and also the probable cost of its future management. I shall also be glad that your views and opinions as to a suitable provision for the young Rajah, the Ranee, and other members of the family.

5. For the present, it will be advisable to retain the services of all the troops of the state, and they had better be paid the arrears due them, but they must be made to understand distinctly that they are servants of a Government that will not tolerate any neglect of duty.

6. All extra establishments, vakeels, &c., must be at once paid up and discharged; of these I should like a return, showing nature of appointment, length of service, and amount of pay or perquisites in land or fees.

7. All

7. All enam land and religious grants must be respected, except in cases of those who have forfeited them by any misconduct.

8. The local officers of Dhurumpoor, Nalcha, Dhar, Kooksee and Budnawur must be looked after, and for the present we must work with them.

9. I shall be glad for your opinions as to the establishments that will be required for the proper and economical management of the state; there ought to be a magistrate, who must be responsible for the general peace of the town, and who will investigate all petty cases of robbery, affrays, &c., and who must have the police arrangements in his hands; there must be a court for the settlement of all petty cases; this court ought to be assisted as much as possible by a punchayet. The treasurer must have charge of all the accounts, land revenues, sayer dues, tribute; in fact, all receipts and disbursements must belong to his department; some of the karkoons in the service of the state can be appointed his assistants; a deputy superintendent will be required, but of this I shall be able to judge better when I receive your report.

10. The chief and family may be allowed to reside in the palace, and you may allow an escort from the troops to guard the palace gates.

11. You are authorised to repair the buildings in the fort, so that there may be suitable accommodation for yourself and the detachment of the Malwa contingent; at present there are some prisoners in the fort; these you can remove to its outwork, or to any other suitable place for a gaol.

12. For the present, all the arrangement for the collection of revenue must remain in force; those lands and villages that are farmed must continue in the hands of the farmers, and the same rule must be observed with regard to the sayer, abkaree, and town dues.

13. There is an establishment for weighing opium; this may be kept on as a temporary measure, and you are authorised to make weighment of any opium there may be ready.

I have, &c.
(signed) *A. R. E. Hutchinson,*
Bheel Agent, &c.

(No. 81 of 1858.)

From Captain *A. R. E. Hutchinson,* Bheel Agent and Political Assistant, to Sir *Robert Hamilton,* Bart., Agent to the Governor General for Central India; dated Bhopawur Agency, Camp Indore, 17 February 1858.

Sir,

In continuation of my letter, No. 69 of 1858, I have the honour to lay before you copy of the report of Meer Shahamut Ali, Officiating Superintendent of Dhar, and its accompaniments.

2. Referring to the jageers and allowances enjoyed by the members of the Rajah's family, I have the honour to solicit your instructions as to whether they are to be resumed at once, or the incumbents be allowed to enjoy them until such time as the provision for the Rajah has been determined; of course the allowance of Bheem Rao has been stopped.

3. With regard to the buildings in the fort, these must be repaired. I have to request your orders as to whether the breach in the wall is to be repaired or not; the orders of Government, I believe, are that the fort be destroyed, but that order has not yet been carried out; and perhaps our occupation of Dhar will avert the contemplated destruction: we must have some secure abode for our officers, and also for the treasury.

4. Another point on which I beg your instructions is the disposal of the pawned gold and silver ornaments, alluded to in para. 3 of Meer Shahamut Alli's letter. They are valued at 15,000 rupees; also gold and silver sticks, and

other valuable property, in the possession of the chief. I have instructed Meer Shahamut Ali not to touch anything in the palace, save public treasure and the records.

I have, &c.
(signed) *A. R. E. Hutchinson,*
Pol. Assistant and Bheel Agent.

(No. 2 of 1858.)

From Meer Shahamut Alli, Officiating Superintendent of Dhar, to Captain *A. R. E. Hutchinson,* Bheel Agent and Political Assistant Agent to the Governor General in charge of the Residency, Indore; dated Camp Dhar, 16 February 1858.

Sir,

I HAVE the honour to inform you that the two khureetas, from the Agent Goverunor General Central India, one to the address of the Rajah of Dhar, and the other to the Ranee, communicating the decision of the Right Honourable the Governor General in Council, in regard to the Dhar State, were yesterday morning delivered by me in person, and their contents distinctly explained to them, as well as to all the functionaries and others who attended the durbar.

2. In the course of the day the Mahajuns, as well as other principal inhabitants of the town and the state troops present at Dhar, were assembled, and fully informed of the purport of the ishtehar that accompanied the Agent Governor General's letter, No. 242, dated 19th ultimo, to your address. A full publicity has likewise been given to the proclamation throughout the territory of Dhar, through local officers.

H. Rupees	56,675	–	–
Co.'s Rupees	22,028	–	–
S. S. Rupees	294	–	–
Eight anna pieces	176	–	–
Four „ „	161	12	–
Two „ „	199	14	–
Copper pieces	1	4	–

3. Charge of the treasure has also been taken. It amounts to *Rs.* 79,535. 14. per margin, besides pawned gold and silver ornaments, worth about *Hali Rs.* 15,000.

4. In short, it is now perfectly understood by all classes of people, that, owing to the disloyal conduct of the durbar, the state is entirely at the disposal of the British Government, and that the authority of Anund Rao Powar has ceased to exist.

5. The troops being informed that their services were to be retained in the pay of the British Government, if they will engage to attend duly to duty, expressed their readiness to serve, and seemed satisfied at this kind consideration.

6. They, as well as other establishments, are nine months in arrears; accounts are being prepared, and as soon as ready, they will be paid up in full, and the extra establishments discharged; but to carry out the orders of the Agent Governor General, as well as your own instructions, with a view to collect all the necessary information, the latter may be continued to the end of the month. The kothar and other charges of the sort, however, cease from this day.

7. Accompanying, is a statement of the lands and cash receipts enjoyed by the Ranees and other relatives of the chief. It may enable you and the Agent Governor General to judge what provision may be necessary for their future maintenance; as to the amount of the provision for the Rajah, I feel very diffident to take the liberty to offer any remark. Whatever the generosity of Government may be pleased to suggest, cannot but be suitable to enable him to live in comfort.

8. I will submit my report called for by the Agent Governor General in the 3d para. of his letter, in reference to the revenues, expenses, the general condition of the state, and the estimated cost of its future management, as soon as I am in possession of the information required on the subject.

9. Almost all the buildings in the fort are completely in a state of ruin, and scarcely habitable. It will require a larger amount of outlay than I had expected to make them again suitable to the purposes for which they may be needed;

needed; I will, however, do my best to put them in repairs, or, in fact, to rebuild them at as little cost as possible.

10. Enclosed, I beg leave to return the instructions of the Agent Governor General for Central India to your address, having taken a copy of the same. In conclusion, I beg leave to observe that all classes of people, whether subjects or the servants and dependents of the State, seem quite submissive to the change, and are willing to render every assistance concerning their respective departments.

I have, &c.
(signed) *Shahamut Alli*,
Officiating Superintendent, Dhar.

STATEMENT of the JAGEERS, and the Receipts in Cash enjoyed on the part of the State by the Members of the Family and the near Relatives of the Rajah of Dhar.

JAGEERDARS.	Number of Villages.	Rent.	Cash Receipts.	TOTAL.	REMARKS.
		Rs.	*Rs.*	*Rs.*	
Elder widow of the late Chief	6	30,215	1,503	31,718	
Youngest widow of the late Chief, now deceased.	8	18,146	1,503	19,649	Lately dead; her domestic male and female servants are now maintained from the income of the Jageer.
Sister of the late Rajah -	1	1,000	9,000	10,000	
Sumbajee Pouwar, brother of the Rajah.	5	4,498	11,763	16,261	
Dada Sateh - - -	1	1,200	125	1,325	
Rowjee Aroundeh - -	1	700	125	825	
Keshun Row Sindhia - -	1	1,000	125	1,125	
Rowjee Sateh - - -	1	301	500	801	
Bhugowunt Row Appa Boondeh.	- -	- -	4,000	4,000	
Bheem Row Bhonsleh -	- -	- -	3,291	3,291	
Suntajee Row Ghosleh -	- -	- -	1,065	1,065	Absent on leave.
Jeejajeerow Surwee - -	- -	- -	1,032	1,032	
Suntajeerow Sindhiar - -	- -	- -	737	737	
Khundebrow Ghosleh - -	- -	- -	744	744	
Rajaba Soorwee - - -	- -	- -	744	744	
Dada Sindhia - - -	- -	- -	533	533	
Wenalkroy Tampkeer - -	- -	- -	754	754	
Bhonsker Row Hundah -	- -	- -	312	312	
Khundey Row Tampkeer -	- -	- -	646	646	
Keeshorow Jugta - -	- -	- -	228	228	
Bappoojee Neikum -	- -	- -	524	524	
Gunputrow Salunkee - -	- -	- -	281	281	
Babooroy Moroe - - -	- -	- -	168	168	
Dada Dhumderah - -	- -	- -	228	228	
Bheemrao Panuhun - -	- -	- -	622	622	
TOTAL - - -	24	57,060	40,553	97,613	

(signed) *Shahamut Alli*,
Officiating Superintendent, Dhar.

(No. 363 A.)

From Sir *R. Hamilton*, Bart., Agent to the Governor General for Central India, to Captain *A. R. E. Hutchinson*, Bheel Agent and Political Assistant in Charge of Residency; dated Camp Sangor, 19 February 1858.

Sir,

I HAVE the honour to acknowledge receipt of your letter, No. 69, dated 15th instant, with its enclosure, and in reply to approve of your proceedings as therein reported, and of the instructions issued by you to Meer Shahamut Alli. I await his further report on the delivery of the khureetas.

I have, &c.

(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 1454 of 1858.)

From *G. F. Edmonstone*, Esq., Secretary to the Government of India (with the Governor General), to Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India; dated Allahabad, 28 May 1858.

Sir,

I AM directed to acknowledge receipt of your letter, No. 70, of the 22d February last, and in reply to convey to you the following observations:—

2. The Right Honourable the Governor General approves of the proclamation directed by you to be issued on the assumption of the State of Dhar, and your proceedings in informing the troops and establishments of the state that they should be retained in service are also entirely approved.

3. The arrears of pay of these establishments should, I am directed to observe, be discharged as soon as possible; but with reference to your proposal to defray them out of the eight lakhs of rupees lodged in the Mhow Fort, I am to inquire whether this money was found in Dhar when the fort was taken, and whether, in submitting this proposal, you have adverted to the orders of Government which were communicated to Colonel Durand, in Mr. Beadon's letter, No. 593, dated 8th February last.

4. His Lordship assents to your suggestion that the owners of the mortgaged jewels, &c., found in the Dhar treasury, should be allowed to redeem them.

5. In reference to your proposal that a monthly disbursement of 3,000 rupees should meanwhile be made to the Rajah and the Ranee, I am directed to state that his Lordship cannot agree to the payment of this large sum to the Ranee unconditionally. If however, you mean that as a temporary arrangement, the Government officer in charge of the Ranee may be authorised to incur a monthly expenditure up to that amount, the Governor General accords his approval.

6. His Lordship however requests that the promised reports on the revenues of the state (and on the remaining stipendiaries) may be submitted as soon as possible.

7. With regard to your observations respecting the fort, I am to state that the demolition of all its defences is highly expedient, and you are directed to adopt measures for having this effected without delay, should it not already have been done.

8. You report that you have directed Captain Hutchinson to embody the good men of the extinct Malwa contingent into the Bhopawur levy on their former rates of pay; in respect to this, I am directed to warn you that these men must be considered as maintained for strictly local purposes, and that they must

must not be allowed to creep into general employment, nor to be transferred to any corps, regular, irregular. or police, which may be raised for duty, in our own or any other provinces.

I have, &c.
(signed) *G. F. Edmonstone.*

(No. 266 of 1858.)

From Sir *Robert Hamilton,* Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone,* Esq., Secretary to the Government of India (with the Governor General); dated Camp Moorar, 22 June 1858.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 1454, dated 28th ultimo, and, in reply to the inquiry in para. 5, to state that my letter No. 70, was despatched from Camp Saugor on the 22d February, on which date I had not received Mr. Secretary Beadon's letter, No. 593, dated 8th February, which, by the docket, reached the Indore office on the 19th, from whence it was sent to camp.

2. In para. 7 of my letter, No. 70, dated 22d February, I proposed that the allowance of 3,000 rupees should be sanctioned until such time as final arrangement could be made, and not as a permanent allowance.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 1938 of 1858.)

From *G. F. Edmonstone,* Esq., Secretary to the Government of India, with the Governor General, to Sir *R. N. C. Hamilton,* Bart., Agent to the Governor General for Central India; dated Allahabad, 30 June 1858.

Sir,

I HAVE the honour, by direction of the Governor General, to acknowledge the receipt of your letter, No. 266, dated the 22d instant, and in reply, I am directed to request your attention to the inquiry made in the 3d para. of my letter, No. 1454, dated the 28th ultimo; viz., whether the sum of eight lacs of rupees, said to have been lodged in the Mhow Fort, out of which you proposed to defray the arrears of pay due to the troops and establishments of the Dhar State, was found in the Fort of Dhar when it was captured.

2. It appears from the report of Meer Shahamut Allee, dated the 15th of February 1858, which forms enclosure No. 7 of your Despatch of the 22d idem, that the sum of which he received charge amounted to *Rs.* 79,535. 14.; and it is therefore not clear to the Governor General whence the sum of eight lacs, said to have been lodged in the Mhow Fort, was obtained.

3. Information upon this point is requisite, before any decision can be passed upon the point referred to in the 5th para. of your letter, No. 70, dated the 22d February last.

I have, &c.
(signed) *G. F. Edmonstone.*

(No. 300 of 1858.)

From Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India with the Governor General; dated Camp Gwalior, 7 July 1858.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1938, dated 30th ultimo, and in reply, to state that the eight lacs of treasure, jewels, silver dishes, &c., taken in the Fort of Dhar, were brought to and lodged in the Fort at Mhow.

2. No part of the cash or property was brought from the palace; all came from the fort, in which, except what was required for current expenses, or common use, the treasure, silver property, and other valuables, &c., of the state were lodged.

3. The *Rs.* 79,535. 14. alluded to by Meer Shahamut Ali, was in the Palace Jamdar Khana, or treasury, part belonging to the Ranee, and part receipts since the Rajah's demise.

I have, &c.
(signed) *R. N. C. Hamilton;*
Agent to the Governor General for Central India.

(No. 308 of 1858.)

From Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India with the Governor General; dated Camp Gwalior, 13 July 1858.

Sir,

BY a memorandum just received from Captain Hutchinson in charge of Dhar State, I find that of the sum *Rs.* 79,535. 14. found by Meer Shahamut Ali, 50,000 rupees had been advanced from Indore, to meet expenses, and pay establishment, pending further orders.

See Letter, No. 300.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 293 of 1858.)

From Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General; dated Camp Gwalior, 5 July 1858.

Sir,

WITH reference to your Despatch, No. 1454, dated 28 May 1858, and in continuation of mine, No. 266, dated the 22d ultimo, I hope I may be permitted to submit the following explanation and remarks:—

2. When my letter, No. 70, dated 22d February, was written, I had not contemplated the attachment of the Dhar State and the deposition of the minor Rajah, or that the property of the state would be considered prize.

3. It was after having written that letter that I received Mr. Secretary Beadon's letter, No. 593, dated 8th February. I did not publish its contents, because it seemed to me desirable to await a further communication from you, and I did not at once address you, stating the grounds on which I had not conceived the treasure taken in the Fort of Dhar prize, as I had so recently submitted a report. It is now, however, important that no doubt on the matter should exist,

exist, and that the Right Honourable the Governor General should be in full possession of all the facts, that a final decision may be come to. I therefore delay making known the contents of Mr. Secretary Beadon's letter, No. 593, dated 8th February 1858, pending a reply to this reference.

4. The State of Dhar has always been faithful and friendly: on the death of the late Rajah without heirs male, his adopted son was recognised by the British Government; and the administration under a Regency was barely formed, when the mutinies broke out.

5. Intimation of the recognition was made to the durbar on the 28th September 1857; but the khillut of investiture was not then (nor has it yet been) sent.

6. The conduct of the Wallaitees, Mukranees, and Putans throughout Malwa became most violent and rebellious after the mutiny broke out; many of these were men who had been removed and put over the Nizam's border, on account of their insubordinate conduct and the impossibility to restrain them. At that time I submitted a remonstrance against such characters being let loose on the community of Malwa; but the measure could not be recalled, and ever since more or less difficulty has arisen from these outlaws; they were foremost at Dhar, Mundesor, Amjherra, and everywhere when the mutiny broke out, and took the lead in the subsequent outrages; and wherever they have stood, whether in Malwa or in Bundlekund, they have proved our most obstinate and determined opponents.

7. As in every native state, so in Dhar, there were two parties equally aspiring to the regency. The selection of the old minister, Ramchunder Rao, was judicious: he, however, failed; having to contend with intrigue, he tried by counter-intrigue to keep his position. The widow Ranee desired her brother to be the manager, and as his appointment could not be obtained, they endeavoured to bring his rival into difficulty. Wallaitees were entertained with a view to afford protection, but really to overawe the minister. He foolishly, to strengthen himself, entertained more Wallaitees and Mukranees; both played their own paltry game, regardless of any possible consequence to the State. The minister submitted his reports on the collection of Wallaitees to the Officiating Agent. The Wallaitees soon found their power, and uniting, went into the fort. The minister then saw the real danger; he reported to the Agent that the fort was occupied by Wallaitees, and being required to expel them, reported the fort was empty. This he did on the faith of his own party's promise: his party did leave the fort, but the other did not, they acknowledged no control; and having come to the knowledge that the whole of the state treasure was in the fort, they resolutely determined not to leave it.

8. Our troops were marched to Dhar to dislodge them; all the Wallaitees, Mukranees, and disaffected then made common cause against us, and the siege commenced. Up to this no announcement had been made that we were at war with the state; the movement of our troops was looked upon as adopted to support the minor we had put on the guddee; supplies were furnished by the durbar officials: and whilst the batteries were firing, I am informed, the minister and others, with the minor Rajah, attended the durbar of the Acting Agent, was received and treated with every consideration, and nothing passed to indicate that the state was in rebellion against us, or the minor Rajah and his durbar looked upon as enemies.

9. The siege progressed; the fort was evacuated just as the breach was declared practicable, our troops then took possession, and so ended military operations in Dhar.

10. It is a grave matter for consideration whether under such circumstances, in the absence of any declaration of war, the state treasure lodged in the Fort of Dhar can be considered lawful prize to the troops.

11. I do not palliate the misconduct of the durbar, but I desire, as I am sure is the most anxious desire of the Right Honourable the Governor General, that our motives be not open to misconstruction, and that the punishment for misconduct bear not the semblance of injustice or plunder.

12. The gallant troops deserve a reward, and that reward may be in a handsome gratuity or a donation of batta, without the confiscation of the contents of the treasury.

13. I may have taken a mistaken view of the case, and under any circumstances I must crave his Lordship's indulgence for having stated my honest opinion; I should for ever deplore having been instrumental in leading the Government to issue any order the justice of which was not clear and distinct. Under a sense of my public duty, I have ventured to submit this reference, and I trust in so doing my motives may not be misunderstood.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent to the Governor General for Central India.

(No. 2256 of 1858.)

From *G. F. Edmonstone,* Esq., Secretary to the Government of India, with the Governor General to Lieutenant Colonel *H. M. Durand,* C. B.; dated Allahabad, 19 July 1858.

Sir,

I AM directed by the Right Honourable the Governor General to forward to you the accompanying copy of a letter * from the Agent Governor General for Central India, having reference to the State of Dhar, and the circumstances under which its management was assumed by the British Government.

* No. 293, dated 5 July 1858.

2. As this letter impugns your proceedings while Officiating Agent to the Governor General for Central India, and as several of the statements contained therein differ very widely from those reported in your Despatches of October and November last, I am to request that you will report fully on the proceedings of the Dhar durbar, and the events which occurred in that state, from the time when you first began to entertain suspicions as to its loyalty, up to the date on which the Government was assumed by us; and that you will submit any observations that you may desire to offer upon this remonstrance, as it must be regarded, of Sir R. Hamilton.

3. The papers noted in the margin,† which relate to this matter, are forwarded herewith in original; you are requested to return them with your reply.

I have, &c.
(signed) *G. F. Edmonstone.*

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† From Officiating Agent, Central India - - dated 26 October 1857, No. 203.
To - - ditto - - - ditto - - - „ 20 November 1857, No. 4697.
From - ditto - - - ditto - - - „ 30 October 1857, No. 216.
From - ditto - - - ditto - - - „ 1 November 1857, No. 220.
To - - ditto - - - ditto - - - „ 26 November 1857, No. 4763.
Telegraphic Message from Officiating Agent, Central India, dated 2 November 1857.
From Officiating Agent, Central India - - dated 4 November 1857, No. 229.
To - - ditto - - - ditto - - - „ 2 December 1857, No. 4819.
From - ditto - - - ditto - - - „ 3 November 1857, No. 227.
To - - ditto - - - ditto - - - „ 7 December 1857, No. 4878.
From - ditto - - - ditto - - - „ 14 December 1857, No. 290.
To - - ditto - - - ditto - - - „ 8 February 1858, No. 593.
From - ditto - - - ditto - - - „ 22 February 1858, No. 70.
To - - ditto - - - ditto - - - „ 28 May 1858, No. 1454.
From - ditto - - - ditto - - - „ 22 June 1858, No. 266.
To - - ditto - - - ditto - - - „ 30 June 1858, No. 1938.

(No. 1 A.)

From Lieutenant Colonel *H. M. Durand*, on Special Duty with the Governor General, to *G. F. Edmonstone*, Esq., Secretary to the Government of India with the Governor General; dated Allahabad, 22 July 1858.

Sir,

I HAVE had the honour to receive your letter, No. 2256, dated the 19th instant, forwarding by direction of the Right Honourable the Governor General, the copy of a letter, No. 293, dated 5th July 1858, from the Agent to the Governor General for Central India; and calling upon me, as the latter impugns my proceedings while Officiating Agent to the Governor General for Central India, and differs very widely in several of its statements from those reported in my Despatches of October and November last, to report fully on the proceedings of the Dhar durbar, and the events which occurred in that State from the time when I first began to entertain suspicions as to its loyalty, up to the date on which the Government was assumed by us; and to submit any observations that I may desire to offer upon the remonstrance of Sir R. Hamilton.

2. In proceeding to obey, to the best of my ability and of the means at my disposal, his Lordship's orders, it will probably be most satisfactory that I follow the general statements of Sir R. Hamilton with an exposition of the facts which really occurred, reserving such remarks as I may have to offer upon the remonstrance for the close of this letter. I must beg permission to observe that I write under the serious disadvantage of having no notes, no official records to which to refer except such letters as are enclosed in your own under reply; still, I am confident that my observations will, though wanting in dates, which the records of the Foreign Office may be able to supply, be accurate as to matter of fact and sequence of events.

3. As soon as the death of the late Rajah of Dhar was reported to me at Indore, I referred by a telegraphic message to the Governor General for a recognition of the adopted son, and on receiving a favourable reply, it was at once communicated to the durbar, through its vakeel. The records of the Foreign Office will show the precise date of these events, which took place either in April or early in May 1857; but I think in April. In the 5th para. of Sir R. Hamilton's letter it is stated "intimation of the recognition was made to the durbar on the 28th September 1857, but the khillut of investiture was not then (nor has it yet been) sent." Neither the date of this official recognition, nor the date of its receipt at Mhow is mentioned; from the circuitous route by which despatches had to be forwarded at that time it is probable that it only reached Mhow in September. This circumstance did not, however, involve, as might be inferred from the above quoted paragraph, that the durbar was kept for five months in suspense as to the intentions of the Government of India; the durbar very quickly after the death of the late Rajah, had certain information from myself of the favourable decision of the Governor General in Council.

4. An erroneous inference might also be drawn from the observation that "the administration under a regency was barely formed when the mutinies broke out." None of the old servants of the State were displaced; in composing the regency, therefore, the minister selected was the only new coadjutor. The administration of the State continued in its usual track, and was in as uninterrupted and undisturbed action after as it had been before the death of the late Rajah.

5. No date being given, the precise time of the remonstrance to which importance is attached in the 6th para. is uncertain; but the connexion instituted between the expulsion of Wallaitees from the Nizam's country, and the entertainment of Wallaitees by the Dhar State, appears as questionable as assigning the expulsion of Wallaitees from the Nizam's territory, for the proximate cause of the formidable Mussulman insurrection at Mundesor. When I took charge in April 1857, I have no recollection that any difficulties existed arising from the alleged cause, or that it was affecting the peace and good order of Malwa. The fact is that there is no necessity to look as far off as the Nizam's country for a preserve of Wallaitees; Malwa itself contains one. The Chiefs of

the Bhopal State, themselves a Khybur family, employ many Affghans, and attract more than they entertain in the service of the State; and of the large jagheerdars, Affghans were to be found in the suite of several chiefs both of Eastern and of Western Malwa; and even Mahrattas, such as Baba Aptia, Scindiah's Sir Soobah, had in their service parties of these mercenaries. Whatsoever the time at which the remonstrance may have been made, and the extradition of Welaytees from the Hydrabad territories taken place, to ascribe such serious consequences to the neglect of the remonstrance, and the existence of the practice, exaggerates the importance of both circumstances.

6. Clearly to understand the conduct of the Dhar durbar, and the effect it produced upon our operations, the exact position of affairs, when Brigadier Stuart's column reached Mhow, must be borne in mind.

7. The mutiny at Neemuch, and the defection of the Malwa contingent cavalry, first shook Western Malwa; the minds of the people of that part of the country were still further unsettled by the insurrection at Indore, and the mutiny of the Mhow troops. The re-occupation of Mhow, at the beginning of August, by the small column under Brigadier Stuart, had but a very partial effect in restoring confidence in our power even in the immediate neighbourhood, and still less at a distance. The column was too weak to admit of detachments being made from it, and the heavy rains of August and September, which extended well into October, necessarily paralysed its movement. The fanatic rising, headed by the Shahzada, joined by the Mussulmans of the chief towns of Western Malwa, and by hordes of the Mewatee population of surrounding villages, and strengthened by the defection of Scindia's troops with guns, cavalry, and infantry to the side of the insurgents, found therefore a secure head quarter at Mundesor. The flag of Islam having been thus raised, Affghans and Mekranees flocked to Mundesor from all quarters; like vultures, wherever there is a prospect of license and plunder they collect rapidly for prey; and though few of them came directly from the Nizam's territory, some of them had probably served there, for these mercenaries frequently change place and master. Being good fighters, and in their way devout Moslems, the Shahzada entertained all that came to him, thinking to strengthen himself by their aid. Temporarily he did so, and the insurrection became very formidable. It not only threatened to embrace all Western Malwa, but Neemuch also; and was, because more aggressive and crescent, more dangerous than the disaffected temper of the compromised troops of Holkar, the more active and daring of whom had gone to Gwalior. By the end of August the lowest estimate gave the Shahzada's forces at 20,000 men. South of the Nerbudda the Bheels had risen, and they soon began to plunder and infest the Bombay road. In Eastern Malwa, the Regent of Bhopal had the greatest difficulty in restraining her own relatives, and maintaining her position. One of the family raised the standard of Islam, and was guilty of hostilities against the British Government. Saugor, with all Bundelcund around in rebellion, was held by a small British garrison; but the Boondelas threatened to reach and occupy the right bank of the Nerbudda, in the Saugor and Nerbudda districts to eastward of Bhopal; and Nimawur, on the right bank of the Nerbudda, lying between the Bhopal and Holkar boundaries, became the scene of open insurrection. Whilst such was the state of affairs around Mhow, they were anything but satisfactory in the north of India; whilst in the south of India, especially in the Bombay Presidency, our position was critical. The Bombay troops had in several instances proved not free from taint, and it was of extreme importance that nothing went wrong with the Mhow column, as, in the opinion of their own officers, much hinged upon the conduct of the native troops, both of the Bombay army and the Hyderabad contingent, which formed part of the column.

8. Upon my own responsibility I had brought up to the Nerbudda the small force of the Hyderabad contingent, under Major W. Orr, and had directed it upon Nimawur, with orders to sweep up through Nimawur, and after ascending to the Malwa plateau, to turn to its left and march by the Bhopal road to Mhow, where I wished it to effect a junction with the weak Bombay column at my disposal. It is unnecessary in this place to detail the motives which led me to resolve with such means as were at hand, first to endeavour to relieve Neemuch, and strike down the Mundesor insurrection,

and

and then to return by Oojein, so as to be in a position either to march upon the Nana and Tantia Topee had they advanced south, through Bundelcund, with the Gwalior and Banda mutineers and rebels, or to march upon Indore. Suffice it to say that time was invaluable; that the moment the country was dry enough for the artillery to move, the column was to advance, and that to be delayed by any hostilities, more especially by having, with inadequate means at our disposal, the siege of a fort forced upon us, was the last thing to be desired.

9. Contrary to repeated orders, both Dhar and Amjherra had, even before the 1st of July, entertained a number of Affghan and Mukranee mercenaries, in addition to Seebundees; and upon the news of the Indore insurrection reaching Dhar and Amjherra, a combined advance was made upon Bhopawur and Sirdarpoor by the mercenaries of both states. The Rajah of Amjherra took a leading part in the plunder of the two stations, but there can be no doubt of the complicity of the Dhar levies, as the Rajah of Dewass, then in Dhar, sent timely warning to Captain Hutchinson of the approach of some 400 Welaytees from that place. *See* No. 284, of 15 Sept. 1857.

10. On the 1st September, Captain Hutchinson, part of whose political charge was the supervision of Dhar and Amjherra, reported that the Affghan and Mukranee levies of Dhar and Amjherra were in a most uncertain and excited state, and rapidly increasing in numbers by the advent of parties, of from 20 to 40, from the side of Dohud and the west; the influx of these mercenaries being caused by the enlistment taking place by order of the Amjherra Rajah, and in consequence of their ejection from the Punj-Mehals under Captain Buckle. These accessions of Welaytees were in addition to levies of Seebundees at Dhar and Amjherra. No. 274, dated 1 Sept. 1857.

11. On the 3d September, Captain Hutchinson reported that the Fort of Dhar was in the hands of the Welaytees, and on the 7th September he reported that, according to the information given by the vakeel of Dhar, the Affghans and Pathans had promised to evacuate the fort, and sworn upon the Koran. No. 275, dated 3 Sept. 1857. No. 278, dated 7 Sept. 1857.

12. As the Dhar durbar had in its service Konkanee and other Sepoys, distinct from Affghans and Mekranees, it was never explained to my satisfaction (indeed, no explanation was ever attempted) how a strong fort, containing the treasure of the State, and easily tenable by the Sepoys against the Affghans and Mekranees, could have passed into the hands of the latter without the connivance of the durbar. The promise to evacuate the fort, and the oath sworn by the Welaytees, I considered, even if there were a shadow of truth as to the force of either ceremony, as being of equal nullity.

The result was precisely what was to have been anticipated.

13. I learnt, at the same time, from other sources, that there had been intercommunication between the Dhar troops and Holkar's troops. The state of affairs was critical at Indore. On the 19th I received a pressing request from Holkar's minister to march upon Indore. From another quarter intercepted Mahratta letters which were sent me, intimated that at the Dusserah, the 28th September, a rise was to take place at Indore; and there was a general feeling throughout the country of a purposed, wide-spread insurrection hostile to the British power. Fettered by the heavy and continuous rains, which rendered the country impracticable for the action of artillery and cavalry (the strength of battle of the small column was its artillery), inaction was compulsory, except under the alternative of bogging the guns, ruining the horses, and destroying by wet bivouacs the few Europeans of the force, the more valuable that there was no possibility of their replacing European casualties.

14. In spite of the animadversions which were cast upon our unaccountable inaction, I patiently awaited finer weather. The first burst of the insurrection storm, foretold through many channels, came from a quarter from which a very different line of conduct was to have been expected.

15. The Dusserah passed over quietly; but on the 11th October a letter from Captain Hutchinson reported that on the 10th the green standard had been raised at Dhar by the Dhar troops and Mussulman population of the place; and No. 309, dated 11 October 1857.

No. 310, dated 12 October 1857.

that a detachment had marched to Bhopawur. On the 12th October, a letter from the same officer reported an attack upon Bhopawur and Sirdarpoor by the combined troops of Dhar and Amjhera, and the plunder and burning of those two stations, accompanied by the massacre of the women and children of the Bheel corps at Sirdarpoor. The Seebundees of the Dhar State on duty for the protection of these stations had joined the attacking force, and taken part in its acts. The arms, accoutrements, &c. of the Bheel corps and its artillery were taken, and, as will be hereafter shown, the booty thus acquired found its way not only to the Dhar fort but to the palace of the Rajah.

Vide Colonel Stockley's Report and Letter, No. 70, of 1857.

16. It was after receiving the reports above alluded to, that in writing for the information of the Right Honourable the Governor General in Council (No. 163 of 12th October 1857), I remarked that "Dhar must of course be made responsible for the acts of the mercenaries it chose to enlist, but could not manage." At the same time I directed Brigadier Stuart to send out a party of cavalry to reconnoitre towards Nalcha, and down the Bombay road to the Nerbudda, and to be prepared to push a party of cavalry down the Jam Ghât to the support of Mundlaiser, should it appear that that fort and station was threatened.

No. 317, dated 15 October 1857.

17. On the 15th October, Captain Hutchinson reported that members of the Dhar durbar ,viz., the Ranee Jejee Baee, and her brother Bheem Rao Bhonslah, were the instigators of the rebellion of the Dhar troops; that the fact formed the topic of conversation in Dhar, and that Bheem Rao went out to the village of Eyarpoora, three miles on the Bhopawur road, to welcome the victorious Welaytees, and that he conferred a dress of honour on their leader. Captain Hutchinson at the same time remarked that the conduct of the durbar was suspicious, that the vakeel of the Dhar State in attendance upon himself did not receive any reliable information, or that he had purposely deceived Captain Hutchinson on the nature of the durbar's negotiations with their mutinous mercenaries, and as to the numbers they had enlisted; that the Welaytees, with five guns, were encamped round the Dhar fort, and had a party of 50 men within its walls; that emissaries from Mundesor (*i. e.* from the Shahzadah) were at Dhar, and treated with the greatest attention and civility by the Dhar authotities; and that the rebels in Dhar and Amjhera received information of everything that went on in the Mhow camp, from the vakeel of Amjhera, attached to the Central India Agency.

18. The cavalry sent out to reconnoitre towards Nalcha and along the Bombay road were witness to the burning of the Goojree bungalow. The rebels retired before them; but when the native officer wished to press upon the rebels, he met with a rebuff at Nalcha, where he found the authorities of the place, which belongs to Dhar, and their troops so hostile and strong, that he withdrew. This report was made to myself by the brigadier, who brought with him a distinguished native officer of the 1st Hydrabad Cavalry (since killed in action) to read the report of the native officer commanding the detachment. The brigadier was anxious that Nalcha should be made an example of, but the small column had too much of serious importance to accomplish to allow of main operations being delayed or diverted by minor and merely punitive operations.

19. During the compulsory inaction of the column, the presence at Mhow of the Dhar and Amjhera vakeels was a matter of comparative indifference; but after the letter of the 15th October from Captain Hutchinson, which so seriously implicated the durbar, and after the hostile advance by the Dhar troops to the Bombay road, and the destruction of the Goojree bungalow, accompanied by the hostile and the mutinous attitude assumed by the Nalcha authorities of the Dhar durbar, it became no longer possible to allow the Dhar and Amjhera vakeels to remain at Mhow. Both were summarily dismissed, with the message to their several durbars that they would be held strictly responsible for all that had happened or might happen. At the same time a detachment of cavalry, artillery, and infantry was sent to secure the line of the Bombay road, and cover Mundlaiser from insult.

20. Here it will be observed, with reference to para. 7 of Sir R. Hamilton's letter, that there never was a word from the Minister as to the alleged conflict of parties, and the rival and antagonistic enlistment of Welaytees; nor was there ever the smallest indication of any dissension among the Dhar levies.

Nor

Nor does Sir R. Hamilton explain how, the treasure being in the hands of the Minister of the State, the Welaytees of the opposition were to be paid; nor was there ever a syllable from the Minister to complain of the faction against him, nor even a whisper that his administration had failed or was failing, unable to stand its ground against intrigue. With the support of the Government of India at his back, he would assuredly have been quick enough in making such representations, had there been grounds.

21. It will also be observed, with regard to para. 8, which states, "our troops were marched to Dhar, to dislodge them (the Welaytees), all the Welaytees, Mukranees, and disaffected then made common cause against us, and the siege commenced. Up to this no announcement had been made that we were at war with the State;" that this summary is in every particular thoroughly at fault: first, hostilities did not commence by the march of our troops to Dhar, but by the march of the Dhar troops to Bhopawur and Sirdarpoor, and subsequently to Goojree, on the Bombay road; whereas, at Bhopawur and Sirdarpoor, burning and destruction was their object; consequently the Dhar State, by actual hostilities, declared war against the British Government. Secondly, that the dismissal of the vakeel of Dhar with a message to the Dhar durbar, was, though such was not in the least necessary, as we had to repel aggression, a declaration of war. Thirdly, that the Welaytees, Mukranees, and disaffected, did not await our advance upon Dhar to make common cause against us; but did so long prior to the advance upon Dhar of the column, and were notoriously in communication with the Shahzadah and his forces, and that too with the sanction and connivance of the Dhar durbar. Fourthly, that the siege of Dhar was not the commencement of military operations, but the clearance of the Bombay road, and the covering of Mundlaiser from insult, by the detachment under Major Robertson, was the opening of the campaign. The Dhar troops in short took the initiative, and forced me to send out a detachment to thrust them back, and to prevent the line of communication with Bombay from being embarrassed.

22. In para. 8, Sir A. Hamilton proceeds to state that the movement of our troops was looked upon as adopted to support the minor we had put on the guddee; it is not indicated by whom this view of the advance was taken. It could not have been thus understood either by the Dhar or Amjhera durbars, for both must, by the dismissal of their vakeels, and the message they, the vakeels, were ordered to deliver, have known for certain the contrary. It could not have been thus understood by the Indore durbar, for repeatedly the Indore vakeel was told the contrary, and that Dhar and Amjhera would be held responsible for what took place. It could not have been so understood by the other vakeels in attendance on the Central India Agency, for the same intimation was made to them as to Holkar's vakeel; Scindiah's vakeel wished to be allowed to intervene with regard to Amjhera, alleging that Amjhera was a fief of Scindiah's; this was not permitted, and he was distinctly informed that as Dhar and Amjhera had been guilty of hostilities against the Government of India, that the Government of India would itself bring them to a severe account. I am confident that the Government of India could never have understood the advance of the column in the manner stated by Sir R. Hamilton, as not only did my letter, No. 163 of the 12th October, clearly lay down in para. 4, before quoted, the responsibility of Dhar, but it will be observed that in my letter of No. 193 of the 19th October 1857, in which I acquainted the Government of India with the objects of the movement to be executed on the morrow, that not a syllable is said to lead anyone to suppose that the operations were undertaken in support of the minor we had put on the guddee. Though his adoption and succession had been officially recognised, the sealing act, viz., the investiture by conferring a khillut on the part of the Government of India, had not been carried into effect; strictly speaking, therefore, we had not put the minor on the guddee; and I never used any such expression. As neither the States of Dhar and Amjhera, nor the other states under the agency, nor the Government of India could have misunderstood the purpose of the advance, I am at a loss to conceive who could have looked upon the movement of our troops in the light set forth by Sir R. Hamilton.

23. Captain Hutchinson was charged with the duty of aiding in obtaining supplies. As supplies must be drawn from the country in which operations are taking place, he may have employed the subordinate officials, that is the local

instruments of the Dhar administration. That course was preferable to taking what was wanted by force, the only other alternative when supplies are not brought in willingly; but it in no degree exculpates the malpractices of the durbar.

24. Before the column reached Dhar, Captain Hutchinson reported that overtures had been made by the Sepoys in the service of the Dhar State. The overtures were totally inadmissible, for there was no mistaking their real object, viz., to allow the Dhar Sepoys to side with the rest of the Dhar levies, until the result of an action should prove which was the safest side permanently to adopt. Accordingly, the overture was met by the distinct reply, that all found in arms against us would be similarly treated. But the very fact of such an overture having been made, proved that the Dhar troops, Sepoy and Welaytee, were together in arms against us.

25. When the column came before Dhar on the 22nd October 1857, the above was proved by the whole of the durbar troops, Sepoys and Welaytees, and mounted Mahrattas, being drawn out in position. An action took place in which the enemy were beaten, their guns taken, and the whole driven upon the town and fort. In the pursuit by our cavalry, among others slain, several Mahratta horsemen were killed. I was careful to interrogate upon this point Major Gall, of Her Majesty's 14th Dragoons, and Captain J. Orr, of the 3rd Hyderabad contingent cavalry, as also several of the native officers of the contingent cavalry, for I knew that they would distinguish a Mahratta from a Welaytee cavalier.

26. After the action it became known that of the Welaytees a part had thrown themselves into the fort of Dhar; their numbers were variously estimated; but it was known that the bulk of the garrison of a thousand or twelve hundred strong, or whatever it might be, was from eight to nine hundred Welaytees. That part had escaped after the action; as we were aware from our pursuit, that the minor Rajah was not in the fort, but in his house or palace in the town, with a guard of Dhar Sepoys about him.

27. During the progress of the siege I received repeated messages from the Ranee, who was anxious then to adopt the line now taken in favour of the Dhar State by Sir R. Hamilton. My replies to these communications, whether verbal or written, admitted of no misconstruction; but in order to put the matter beyond all cavil, I requested the attendance of the minor Rajah, the Minister, and the Dhar durbar, at a public durbar held in my own camp. On this occasion I allowed none of the customary salutes and military honours, and the minor Rajah was received and dismissed like a native gentleman of rank, but not like the ruler of the State. Moreover, they were distinctly informed that no return visit would be paid. Your acquaintance with the etiquette observed with the rulers of native States will at once enable you to pronounce how far this was treating the ruler of a State with every consideration in the sense in which the term is applied in para. 8 of Sir R. Hamilton's letter.

28. Present at this public durbar, upon my special invitation, were as many English officers as the tension of the siege duties admitted of being there. This was done on purpose, in order that there might be reliable witnesses to all that passed.

29. It is true that the batteries were firing at the time, and I took advantage of the circumstance, when addressing the Minister and Dhar durbar, to advert to the salvoes of ordnance battering in breach the Dhar fort, and, taxing him and the rest of the durbar with having brought affairs to such a pass between the British power and the Dhar State, clearly and repeatedly, both in English and Hindoostanee, assured them that they and the Dhar State would be held responsible for the hostilities, and would be brought to a severe account. The minor Rajah was assured, because a mere boy, of personal safety and good treatment; the same was assured to the Ranee, in respect to her sex, and to that alone. The Minister understood English, and heard therefore what was said in English and in Hindoostanee. He at any rate did not misapprehend the object of the durbar, or what was said; for he muttered some lame excuses, deprecating the displeasure of the British Government.

30. I am

30. I am certain the British officers did not misunderstand the object of the durbar, for at its close one of them remarked to me, that after such plain speaking it would be curious if the Minister and durbar were not off in the course of the night. Whether all this be correctly represented by the statement that "nothing passed to indicate that the State was in rebellion against us, or the minor Rrajah and his durbar looked upon as enemies," I must leave to the decision of the Right Honourable the Governor General. Short of sending the Minister and the implicated members of the Dhar durbar into Mhow as prisoners, which at the time we had not spare men to do, it would be difficult to say what else was in my power by which publicly to announce the state of affairs. As soon, however, as the fort was in our hands, the Minister and the implicated members of the durbar were sent to Mhow under sufficient escort, and were there kept under surveillance; the administration of Dhar and Amjhera being at the same time entrusted to Captain Hutchinson, pending final orders from the Government of India. His Lordship in Council approved of these measures.

No. 227 of the 3rd Nov. 1857.

31. During the progress of the siege five or six elephants belonging to the Dhar State, and despatched for ammunition for the besieged garrison, were taken by Captain J. Orr, after a sharp pursuit,* and the loss of two of his men by the fire of the party with the elephants. The elephants were claimed by the State as soon as they were known to have fallen into our hands; but I could no more admit this claim than the request of the Ranee to have the Dhar treasure handed over after it had fallen into the possession of the troops.

32. As the commissariat required elephants they were sold to that department at a reasonable valuation, and the proceeds divided among the captors by the military authorities, as an encouragement to the Nizam's cavalry.

33. There is an omission in Sir R. Hamilton's summary of the siege and occupation of Dhar, which requires to be rectified.

It is true that the Welaytee part of the garrison evacuated the fort when the breach was practicable, and that our troops took possession of the fort; but it is an error to leave it to be inferred that the fort was empty. A party of about 30 Konkanee and other Sepoys of the Dhar State gave themselves up without opposition, and were made prisoners of war. They stated that they had originally been told off as the treasure guard, and their commander showed where the treasure was kept.

Also during the progress of the siege, letters were intercepted by the Nawab of Jowrah from the garrison of Dhar to the Shahzadah of Mundesor, applying for the rapid advance of a force to relieve the besieged. Further, during the siege, when the garrison showed a white flag and asked to parley, they refused to treat except through the durbar, under whose orders, and for whom they were defending the fort. These two circumstances clearly demonstrating that the garrison was, whilst acting under the orders of the durbar, in communication with the insurgents at Mundesor.

34. In para. 10, the main reason alleged by Sir R. Hamilton for not considering the treasure captured in Dhar as fair prize of war is, the absence of any declaration of war. I have already shown that this allegation involves a twofold fallacy, viz., 1st. That we began the war, whereas the simple fact is, that the troops and subjects of the Dhar State took the initiative, and struck the first blow by the second attack on Sirdarpoor, and by burning the dâk bungalow of Googree and threatening an advance on Mundlaiser. 2nd. That there was no declaration of war; whereas, although I do not consider that under the circumstances of unprovoked attack from the Dhar State, any declaration was requisite, yet, there did occur that which the least experienced in intercourse with native States know to be a declaration of war, viz., the summary dismissal of a vakeel with the intimation, that if found within the line of pickets after a certain number of hours, he would be treated as an enemy, and with a message to his durbar, that it must take the consequences of the hostilities it had itself began.

35. I entirely differ from the opinion expressed in the 12th para. by Sir R. Hamilton.

* They were pursued until they took refuge in a village. Captain S. Orr dismounted some of his men, and they slew the small party of Welaytees with the elephants, but as these were under cover, two of the cavalry troopers were killed in forcing the village.

Hamilton. In the 11th para. he does not attempt to palliate the misconduct of the durbar; in the 10th, as I have shown, he advances a doubly fallacious reason for invalidating the claims of the troops to the treasure they had taken in a fort stoutly defended for nine days; and in the 12th para. he concludes by proposing that the Government of India reward the troops by a handsome gratuity, or a donation of batta, without the confiscation of the contents of the treasury; that is, more correctly and appropriately speaking, without confiscation of the treasure which the enemy could not carry off with him from the fort, he having carried off all that he could without hampering himself in his silent and rapid flight. In other words, the British Government is to be at the expense of making a special money grant to its troops, in order to screen from well merited loss a State guilty of plunging, unprovoked, into hostilities with the Government of India; of entering into communication with its avowed enemies; of having its troops, Sepoy and Welaytee, fight an action without the walls; of having a part of its Welaytee and a part of its Sepoy troops hold out and force us at a most inopportune moment to enter upon siege operations against a garrison stronger in infantry than ourselves; of having its elephants captured during the siege when despatched for ammunition for the hostile garrison; and of doing nothing whatever to establish its innocence except deprecate just retribution for its gross and treacherous conduct. So far from having anything to show in self exculpation, the guns of the Bheel corps, two three pounders, taken by the Welaytees and Seebundees on the 10th October 1857, were actually found at the palace of the chief and brought from thence under my orders into camp by Captain Hutchinson, as reported in my letter No. 227, of the 3rd November 1857; and carpets, tentage, a lady's parasol, returns of the Bheel corps, and post-office forms were seen by myself in the fort of Dhar on the morning of the capture.

I confess that I do not sympathise with the scruples which would mulct the British Government in order to screen from punishment a durbar whose misconduct, it is at the same time allowed, admits of no palliation.

Nor do I sympathise with the spurious tenderness which prefers that the reality of injustice be inflicted on British troops, rather than run the risk that the semblance of injustice, however illusory and conjured up on false premises and *ad misericordiam* arguments, be alleged by those who sought the destruction of our troops and the humiliation of our power, and by such as accept their bias. I can perceive no single valid reason for depriving the troops of the Bengal, Madras, and Bombay Presidencies, as well as the cavalry of the Hyderabad contingent (the column was composed of all four), of the prize property captured in the Fort of Dhar. I will not detract from the pure justice of the claim by touching on the impolicy of a proceeding which will be felt and discussed with the more acerbity by the soldiery of those four armies, as a breach of their rights, from the circumstance of its gratuitously taking place in favour of their enemies. Nor will I remark on the offensive colour attempted to be given by the misuse of the word "plunder" as applied to Dhar prize property, viz., to the guns that fired on our troops and batteries during the nine days' siege, and to the treasure which these guns defended. Whether the words "injustice and plunder" are applicable in such a case, and are ingenuously used, I leave to the decision of the Governor General, but I must beg to be allowed to repeat the opinion expressed in my letter No. 290, of the 14th December 1857, that during a long course of varied military service, I have known no instance of fairer prize of war, and I deem the suggested possible stigma of "injustice and plunder," cast on the decision of the Governor General in Council, as utterly devoid of foundation and a gratuitous assumption.

36. I am the more surprised at the views now advanced, as I do not observe a trace of them in the letter No. 70, of the 22d February 1858, from Sir R. Hamilton; in that letter the Agent reports that he had carried out the instructions of the Right Honourable the Governor General in Council, as conveyed in Despatch No. 4878, of 7th December 1857, a Despatch founded upon my letter No. 227, of the 3d November 1857. I do not see that Sir R. Hamilton raises the smallest objection to the orders conveyed in No. 4878, of 7th December 1857; nor in his various letters to Captain Hutchinson, khureeta to the Rajah, proclamation to the subjects and people of Dhar, instructions to Meer Shahamut Ali, any more than in his reply No. 70, of 22d February, is there any demur to the full execution of the instructions he had received. That my letter No. 290, of the 14th December

December 1857 was before the agent, there can of course be no doubt, for in his letter No. 70, 9th para., evident allusion is made to my recommendation that the Fort of Dhar should be demolished; and at the close of the 5th para., instructions are requested regarding the disposal of the eight lacs of rupees lodged in the Mhow Fort, *i. e.*, the treasure captured in the Fort of Dhar; it was notorious that this treasure was lodged in the Mhow treasury by the prize agents, and was treated and considered as prize property. The natural course to have pursued, if there existed objections to the guns and treasure being prize property, was, to have set forth at that time, when calling for instructions, any reasons that he had to assign for invalidating the proceedings of the military, and the opinion expressed by myself on those proceedings; that opinion had been from the 10th December to the 22d February before the agent, so that there had been ample time to consider it, and to warn the Government if it was based in error; it is not alleged that between 16th December 1857 and the 5th July 1858, that is, nearly seven months, anything has been brought to light which affects the case.

37. The only thing advanced is (*vide* para. 2 of No. 293 of 5th July 1858), that when Sir R. Hamilton's letter No. 70, dated 22d February was written, he had not contemplated the attachment of the Dhar State and the deposition of the minor Rajah, or that the property of the state would be considered prize; and (*vide* para. 3) that it was after having written No. 70, dated 22d February 1858, that he received Mr. Secretary Beadon's letter, No. 593, dated 8th February, in which the Honourable the President in Council concurred in the view expressed by myself regarding the disposal of the treasure and guns taken in the Fort of Dhar, and the demolition of the fortress.

38. The date of the receipt of the orders of Government regarding the prize property is not given, but it is stated that the contents were not published, because it seemed desirable to the Agent to await a further communication from yourself, and that he did not at once address you, stating the grounds on which he had not conceived the treasure taken in the Fort of Dhar prize (he always omits the guns), as he had so recently submitted a report.

39. It might have been supposed that having objections to the decision of Government, no time would have been lost in communicating those objections, for without such reference it is not clear how the further communication awaited from yourself could be looked for.

40. I am not aware whether, between the letter dated the 22d February and that dated 5th July, you received any other report in connexion with the subject of Dhar; but if the report of the 22d February be the one designated recent in the letter of the 5th July, it is still more remarkable that so much delay should have occurred in making this remonstrance, as the report termed recent contains no indication whatever of the writer entertaining views different from those which had been submitted to Government, and confines itself to asking instructions as to the disposal of the treasure.

41. Had Sir R. Hamilton adduced one single new fact, the assertion that it was important that no doubt on the matter should exist, and that the Right Honourable the Governor General should be in full possession of all the facts, might have been comprehensible, but, instead of a lucid statement of all the facts of the case, No. 293 of the 5th July 1858, might, in my opinion, be characterized as a suppression of many and a distortion of other facts; new views are advanced, but not a single new fact; on the contrary, in setting forth new opinions, many important facts are evaded.

42. I confess that when I read para. 2 of No. 293, and then came to read No. 70, dated 22d February, to which it refers, it seemed to me almost incredible that the same head could have dictated, and the same hand could have penned both. I have endeavoured in vain to reconcile the two, and can therefore offer no remarks, for either I do not understand English, or else there is the most absolute and irreconcilable contradiction. It is really with much diffidence that I touch upon points which it is not for myself to reconcile, and yet which, in a letter which the Right Honourable the Governor General considers to impugn my proceedings, it is my duty to notice. I shall do so by simply placing Sir R. Hamilton's own words in juxtaposition, without a word of additional comment on my part.

No. 4878, dated the 7th December 1857, from Secretary to Government of India.

3. His Lordship in Council desires that you will explain to the young chief that, while Government reserves to itself the right to dispose of the state hereafter, in such a manner as may seem fitting, he can never hope that it will be restored to him.

No. 242 of 19th January 1858, which encloses copy of No. 4878, dated the 7th December 1857, khureeta to Rajah of Dhar, and one to Ranee and an "Ishtahar to the same purpose, requiring all persons and subjects within the Dhar State to pay obedience to the British officers appointed to conduct the administration of the state consequent to the treaty having been abrogated and annulled by the base conduct of the durbar, fully to carry out the views of Government. I appoint you superintendent of the Dhar State, and authorize you to entertain an establishment for its proper and economical management."

No. 70, dated the 22d February 1858, from Sir *R. Hamilton.*

I have the honour to report that the orders conveyed in your Despatch, No. 4878, of 7th December 1857, with respect to the Rajah of Dhar have been fully carried out, as will be learnt by the perusal of the accompanying correspondence.

On receipt of your Despatch, I issued instructions to Captain Hutchinson, and addressed a letter to the young Rajah as well as the Ranee, explaining fully the decision of the Right Honourable the Governor General. Translation of my letter is annexed, as also translation of a proclamation I caused to be promulgated.

* * * *

Copy of his report is also annexed, by which it appears that it is now perfectly understood by all classes of people that owing to the disloyal conduct of the durbar, the state is entirely at the disposal of the British Government, and that the authority of Annund Rao Powar has ceased to exist.

No. 293 of 5th July 1858, from Sir *R. Hamilton.*

When my letter, No. 70, dated the 22d February, was written, I had not contemplated the attachment of the Dhar State and the deposition of the minor Raja, or that the property of the state would be considered prize.

43. In No. 70 of the 22d February 1858, I observe that Captain Hutchinson, who had tried the same thing when under my orders, had again endeavoured to prevent the demolition of the Fort of Dhar, and that Sir R. Hamilton had, though Meer Shahamut Ali had reported that the buildings in the fort would require a large outlay, called for a further report. Government concurring in the views I expressed, ordered the complete demolition of the fort, and I trust will not allow its subordinates to trifle with its instructions, but will insist upon the total demolition of the Dhar Fort. Very great endeavours were made to induce me to spare the fort, but deeming the example necessary to the chiefs and people of Malwa, I replied to every representation or solicitation that any fort which had the insolence to fire on British troops would inevitably be razed to the ground. That want of powder and time prevented the demolition from being then carried into effect, but that as certain as a shot had been fired from its walls against British troops it would be levelled.

44. Unless Government wish to encourage revolt, that promise must be carried out. I beg the Right Honourable the Governor General to consider what a successful resistance on the part of the Dhar Fort would have entailed. Our rifle and artillery fire, though it had silenced, had not dismounted the guns of the place; our infantry and batteries occupied a narrow ridge, with the town, and its disaffected inhabitants, and Dhar Subundees on its rear (the brigadier was shot at from the town), and the fort wallclose in its front; the breach was, though practicable, a difficult one; and from the form of the ramparts right and left of it, and the facility of defending the head of the breach, I was surprised that Affghans should have shrunk from its defence. Dhar, through the treachery of its "base" (as Sir R. Hamilton calls it) durbar, had become the advanced position of the Mundesor insurgents; their supports were at Nolye of the maps, with their patrols at Kannwen, within 20 miles of Dhar. Nolye is about the same distance from Indore as from Dhar. Holkar's troops were watching events anxiously. Neemuch was besieged by a large body of Welaytees, and I was frequently receiving pressing messages from that place which had only a very limited supply of food, and of gun ammunition. A check at Dhar, or even a storm costly in life, and therefore paralysing the column, might have produced results exceedingly difficult to estimate. Not only Malwa, but also Rajpootana, would have been a prey to the formidable Mundesor insurrection; most certainly

certainly Holkar's troops would again have risen; and in all human probability Eastern Malwa would have been in flames, treading down the Regent of Bhopal, and subverting that state from a friendly to a hostile one. The operation was a most critical one; and when it is considered that independently of the local success, and of freeing the line of the Nerbudda and rolling back insurrection so as to keep the south of India clear, a great deal hinged on the success and temper of the native troops of the column, it would be difficult to exaggerate the mischief which the conduct of the Dhar State and durbar might have caused.

45. I adhere to every word written in my letter, No. 227, on the 3d November 1857, and I consider that the decision of the Government of India was in every respect just, and that no difference can be made between Amjhera and Dhar States other than such as the Government has ordered in consideration of the youth of the lately recognised Rajah of Dhar and the sex of the Ranee. I do not understand why the Rajah of Amjhera and others were hung, if treason to the British Government of a far more dangerous description is to be condoned in the case of Dhar. The excuse was the same in both instances, viz., that the durbars could not control their troops, and in both cases was equally invalid. The example will be extremely prejudicial, if the chiefs of Malwa see that hanging, or exemption from punishment, depend less upon the merits of cases than upon what may be in vogue at the time. I can make no modification of view and opinion in a matter of justice between November 1857 and July 1858, particularly when no facts whatever are brought forward for a reversal, or even for a commutation of punishment; nor do I think it will be held by the chiefs and people of Malwa as becoming the firmness and dignity of a great Government to treat Dhar and Amjhera so differently when, of the two, the conduct of Amjhera was far less dangerous and treacherous than that of Dhar. Chiefs and people will be apt to construe such a policy into a betrayal of weakness towards enemies; a weakness not the more elevated in their eyes by being displayed at the expense of the rights of a small, but faithful body of soldiers, who, launched amid overwhelming masses at a critical period, did the work of a large division: relieved Neemuch, reconquered Western Malwa,* and forced Holkar's troops to lay down their arms. The small column which performed this service had not the honour of acting under the orders of his Excellency the Commander in Chief, and therefore has not the honour of having its important services noticed in the summary of the events of the war of the insurrection; but the Right Honourable the Governor General must be well aware that, but for the services of that weak column, Sir Hugh Rose's advance at the time it took place would have been impracticable. I leave the rights of that small band of faithful and gallant soldiery, European and native, in the hands of his Lordship; and consider that, had the Dhar prize property been double or treble in amount what it really was, it would not have been too high a reward for the men and officers; and that to deprive them, on an *ad misericordiam* argument of what they actually took in the Fort of Dhar, would be equally impolitic and unjust.

* This was Holkar's own expression.

I have, &c.
(signed) *H. M. Durand*, Lt.-Col. Engineers,
On Special Duty with the Governor General.

(No. 2767.)

From *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General, to Sir *R. Hamilton*, Bart., Agent to Governor General for Central India; dated Allahabad, the 12th August 1858.

Sir,

I AM directed to acknowledge receipt of your letter, No. 293, of the 5th ultimo, having reference to the State of Dhar.

2. Advantage has been taken of the presence of Colonel Durand at Allahabad to obtain from him an explanation in regard to some of his proceedings while officiating agent to Governor General, which have been commented on in your letter under reply, and I am now to convey to you the following observations:—

3. You state that when your "Letter, No. 70, dated 22d February, was written," you "had not contemplated the attachment of the Dhar State, and the deposition of the minor Raja." I am directed to observe that this is inconsistent with what is stated in your previous correspondence.

4. In my letter, No. 4878, of the 7th December last, you were desired to "explain to the young chief (of Dhar) that, while Government reserves to itself the right to dispose of the state hereafter, in such manner as may seem fitting, he can never hope that it can be restored to him."

Encl. No. 2 of No. 70, dated 22 Feb. 1858.

Encl. No. 3 of No. 70, dated 22 Feb. 1858.

5. In your reply, No. 70 of the 22d February, you reported that the "orders conveyed with respect to the Raja of Dhar have been fully carried out;" and on the 19th January last, you yourself addressed a letter to the Rajah of Dhar in the identical terms of the orders, and issued a proclamation, in which you informed "all the subjects and people of the Dhar State," that "the Government is at perfect liberty" to act as it sees fit "in reference to the Dhar State," and that Anund Rao Powar * * * * "can never hope that the state will ever be restored to him."

6. The Right Honourable the Governor General is not able to reconcile the statements recorded in the above-mentioned documents with that which he finds in your letter under reply, and I am directed to request that you will submit any explanation which you may have to offer on the subject.

7. In para. 4 of your letter, you state that you have refrained from publishing the contents of Mr. Secretary Beadon's letter, No. 593, of the 8th February, which declared the property found in the Fort of Dhar to be proper prize; and after reviewing the events which have occurred at Dhar since the death of the old Raja, you observe that it is a grave matter for consideration, whether under such circumstances, in the absence of any declaration of war, the state treasure, lodged in the Fort of Dhar, can be considered lawful prize to the troops.

8. You remark that intimation of the recognition by Government of the adopted son of the late Rajah was made to the durbar on the 28th September, 1857, but that the khillut of investiture was not then sent. In reference to this I am desired to observe, that as soon as the death of the late Rajah was reported to Colonel Durand, the officiating agent, he referred by a telegraphic message to the Governor General for a recognition of the adopted son; and, on receiving a favourable reply, it was at once communicated to the durbar through its vakeel.

9. It is not therefore the case, as might be inferred from para. 5 of your letter, that the durbar was kept for five months in suspense as to the intentions of the Government of India; on the contrary, the durbar, very quickly after the death of the late Raja, had certain information from Colonel Durand of the favourable decision of the Governor General in Council.

10. An erroneous inference might also be drawn from your observation, that "the administration under a regency was barely formed, when the mutinies broke out." The fact being that, as appears from the statement of the then Officiating Agent of the Governor General, none of the old servants of the state were then displaced, and that, in composing the regency, the minister selected was the only new coadjutor. The administration of the state continued in its usual track, and was in as uninterrupted and undisturbed action after, as it had been before the death of the late Rajah.

11. In reference to the remarks in para. 6 of your letter, as to the conduct of the Wilaytees, Makranees, and others, it is to be observed that, even before the 1st July, both Dhar and Amjhera had, contrary to repeated order, entertained a number of Affghan and Mukranee mercenaries, in addition to sebundies; and upon the news of the Indore insurrection reaching Dhar and Amjhera, a combined advance was made upon Bhopawur and Sirdarpore by the mercenaries of both states.

No. 284, dated 15 Sept. 1857.

12. The Raja of Amjhera took a leading part in the plunder of those two stations, and there can be no doubt of the complicity of the Dhar levies, as the Rajah of Deewass, then in Dhar, sent timely warning to Captain Hutchinson of the approach of some 400 Wilayatees from that place.

13. On the 3d September it was reported to the Officiating Agent of the Governor General

General, that the Fort of Dhar was in the hands of the Wilaytees; but I am to observe that seeing that the Dhar durbar had in its service Konkanee and other sepoys, distinct from Affghans and Mukranees, it does not appear how the strong Fort of Dhar, containing the treasure of the state, and easily tenable by the sepoys against the Affghans and Mukranees, could have passed into the hands of the latter without the connivance of the durbar.

14. Colonel Durand observes that no attempt at explanation on this point was ever made by the durbar.

15. The correspondence in this office also shows that the acts of rebellion committed by the Dhar levies were believed, by the officers on the spot, who had the best means of ascertaining the truth, to have been instigated by some of the durbar.

16. Captain Hutchinson reported on the 15th October 1857, that members of the Dhar durbar, viz., the Ranee Jejee Baee, and her brother Bheem Rao Bhonslah, were the instigators of the rebellion of the Dhar troops; that the fact formed the topic of conversation in Dhar; that Bheem Rao went out to the village of Eyarpoora, three miles on the Bhopawur road, to welcome the victorious Wilaytees; and that he conferred a dress of honour on their leader. No. 317, dated 15 October 1857.

17. Captain Hutchinson at the same time remarked that the conduct of the durbar was suspicious; that the vakeel of the Dhar State in attendance upon himself did not receive any reliable information, or that he had purposely deceived Captain Hutchinson on the nature of the durbar's negotiations with their mutinous mercenaries, and as to the numbers they had enlisted; that the Wilaytees, with five guns, were encamped round the Dhar Fort, and had a party of 50 men within its walls; that emissaries from Mundesor (*i. e.*, from the Shahzada), were at Dhar, and treated with the greatest attention and civility by the Dhar authorities; and that the rebels in Dhar and Amjhera received information of everything that went on in the Mhow camp, from the vakeel of Amjhera attached to the Central India agency.

18. It appears also that a detachment of Hyderabad cavalry, sent to reconnoitre towards Nalcha, and along the Bombay road, found the authorities of Nalcha, which belongs to Dhar, and their troops so hostile and strong, that the native officer in command had to withdraw his men. This was reported to the Officiating Agent of the Governor General by Brigadier Stuart, then commanding the Central India field force, and the Dhar and Amjhera vakeels were then summarily dismissed, with the message to their respective durbars, that they would be held strictly responsible for all that had happened, or might happen.

19. In reference to the remarks contained in the 7th para. of your letter, the late Officiating Agent of the Governor General has stated that there never was a word from the minister as to the alleged conflict of parties, and the rival and antagonistic enlistment of Wilaytees; nor was there ever the smallest indication of dissension among the Dhar levies. Neither did a syllable fall from the minister in complaint of the faction against him, nor even a whisper that his administration had failed, or was failing, unable to stand its ground against intrigue. It is not credible, I am to observe, that the minister should have refrained from making such representations if there were reasonable grounds for them.

20. You observe, in para. 8 of your letter, that "our troops were marched to Dhar to dislodge them" (the Wilaytees). "All the Wilaytees, Mukranees, and disaffected then made common cause against us, and the siege commenced. Up to this no announcement had been made that we were at war with the state." But I am to point out that this summary is incorrect in the following particulars:—

1st. Hostilities did not commence by the march of our troops to Dhar, but by the march of the Dhar troops to Bhopawur and Sirdarpoor, and subsequently to Gooree, on the Bombay road, where, as at Bhopawur and Sirdarpoor, burning and destruction was their object. The Dhar State, therefore, by actual hostilities, declared war against the British Government.

2d. The dismissal of the vakeel of Dhar, and the message with which he was

charged to the durbar, was announcement sufficient, if, under the above-mentioned circumstances, any announcement had been necessary.

3d. The "Wilaytees, Mukranees, and disaffected," did not await our advance upon Dhar to make common cause against us, but did so long prior to the advance upon Dhar by the column, and were notoriously in communication with the Shahzadah and his forces, and that, too, with the sanction and connivance of the Dhar durbar.

4th. The siege of Dhar was not the commencement of military operations; but the clearance of the Bombay road, and the covering of Mundlaisir from insult, by the detachment under Major Robertson, was the opening of the campaign.

21. In para. 8 of your letter, you further state that "the movement of our troops was looked upon as adopted to support the minor we had put on the guddee." You do not, however, indicate by whom this view of the advance was taken; and Colonel Durand, in his remarks, observes that it could not have been thus understood by the Dhar or Amjhera durbars, for both must, by the dismissal of their vakeels, and the message they, the vakeels, were ordered to deliver, have known, for certain, the contrary. Nor could it have been so understood by Holkar's vakeel, or by any of the other vakeels in attendance on the Central India agency; for they were repeatedly told by the Officiating Agent that Dhar and Amjhera would be held responsible for what had taken place, and that the Government of India would bring those states to a severe account.

22. In reference to your remark that supplies were furnished by the durbar officials, Colonel Durand observes that Captain Hutchinson was charged with the duty of aiding in obtaining supplies; and as supplies must be drawn from the country in which operations are taking place, he may have employed the subordinate officials; that is, the local instruments of the Dhar administration.

That course was, of course, preferable to taking what was wanted by force, the only alternative when supplies are not brought in willingly; but it in no degree excuses the malpractices of the durbar.

23. You remark also that you are "informed the minister and others, with the minor Raja, attended the durbar of the acting agent, whilst the batteries were firing, and were received and treated with every consideration; and nothing passed to indicate that the state was in rebellion against us, or the minor Raja and his durbar looked upon as enemies, &c." The account given by Colonel Durand of this interview shows that your information on this head is incorrect.

24. Colonel Durand states that during the progress of the siege he received repeated messages from the Ranee, that his replies admitted of no misconstruction, and that, in order to put the matter beyond all cavil, he requested the attendance of the minor Raja, the minister, and the Dhar durbar, at a public durbar held in the British camp. On this occasion the Officiating Agent allowed none of the customary salutes and military honours to be given, and the minor Raja was received and dismissed like a native gentleman of rank, but not like the ruler of the state; he was also distinctly informed that no return visit would be paid.

25. It is true, the Officiating Agent observes, that the batteries were firing at the time, and he took advantage of the circumstance, when addressing the minister and the Dhar durbar, to advert to this, and taxing them with having brought affairs to such a pass between the British power and the Dhar State; he clearly and repeatedly assured them, both in English and Hindustani, that they and the Dhar State would be held responsible for the hostilities, and would be brought to a severe account. The minor Raja, as being a mere boy, was assured of personal safety and good treatment; the same was assured to the Ranee in consideration of her sex, and of that alone.

26. The minister, the Officiating Agent observes, understood English, and heard, therefore, what was said in English and Hindustani; and he did not misapprehend the object of the durbar, or what was said; for he muttered some lame excuses, deprecating the displeasure of the British Government.

27. As soon also as the fort was in our hands, the minister and the implicated members of the durbar were sent to Mhow under escort, and were there kept under surveillance. They could not, the Officiating Agent observes, have been sent

sent while the siege was in progress, because we had no spare force to send with them.

28. In reference to your statement, that the Fort of Dhar was evacuated, and our troops then took possession, it appears from the report of the Officiating Agent that only the Willaytee part of the garrison evacuated the fort; that about 30 Konkanee and other sepoys of the Dhar State gave themselves up as prisoners of war; that these men stated that they had originally been told off as the treasure guard, and that their commander showed where the treasure was kept.

29. It also appears that, during the progress of the siege, letters were intercepted by the Nawab of Jowrah, from the garrison of Dhar to the Shahzadah of Mundesor, applying for the rapid advance of a force to relieve the besieged; and that during the siege, when the garrison showed a white flag, and asked to parley, they refused to treat except through the durbar, under whose orders and for whom they were defending the fort; thus clearly demonstrating that the garrison was, whilst acting under the orders of the durbar, in communication with the insurgents at Mundisore. Were other proof of the complicity of the Dhar durbar wanting, it is found in the Officiating Agent's letter, No. 227 of the 3d November 1857, in which it is stated that the guns of the Bheel corps, taken by the Willaytees and Sebundies on the 10th October 1857, were found, not in the fort, but at the palace of the Raja.

30. The main reason alleged by you, in para. 10 of your letter, for not considering the treasure captured in Dhar as fair prize of war, is the absence of any declaration of war. On this I am directed to observe, that it has already pointed out, in para. 20 of this letter, that the troops and subjects of the Dhar State themselves took the initiative and struck the first blow; and that though, under these circumstances, no declaration of war was requisite, yet the summary dismissal of the Dhar vakeel, with an intimation that if found within the line of pickets after a certain number of hours he would be treated as an enemy, and with a message to the durbar that it must take the consequence of the hostilities it had itself began, was fully equivalent to a declaration of war.

31. The Right Honourable the Governor-General, I am therefore to inform you, on a review of all the circumstances of the case, sees no reason whatever to alter or modify the orders conveyed to you on the 8th February last, regarding the disposal of the treasure and other property found in the Fort of Dhar; nor can his Lordship perceive any reasonable grounds for questioning the justice of the decision, conveyed in my letter, No. 4878, dated 7th December 1857, as to the sequestration of the Dhar State. You are requested, therefore, no longer to delay the announcement which you have been directed to make.

Letter, No. 593, dated 8 Feb. 1857.

I have, &c.
(signed) *G. F. Edmonstone,*

(No. 397 of 1858.)

From Sir *R. Hamilton,* Bart., Agent to Governor General for Central India, to *G. F. Edmonstone,* Esq., Secretary to the Government of India with the Governor General; dated Indore Residency, 30th August 1858.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch, No. 2767, dated 12th instant, and in reply beg the following explanations and statements may be laid before the Right Honourable the Governor General of India:—

2. In submitting the explanations, I will endeavour to follow the order of the paragraphs of your letter. First, then, with respect to the remark in para 3, I have to observe that the word "annexation" should have been written for "attachment."

3. I respectfully beg to state the opinion I held, when my letter of the 20th February was penned, was, that without the annexation, confiscation, or extinc-

tion of the Dhar State by an order of Government, no legal right was acquired under which the property, treasure, or jewels of that State could be bestowed or given away. As there has been no such measure declared by the Government, no lawful right has been acquired to declare the treasure, jewels, and property found in the Fort of Dhar, prize; and, as prize, to distribute it amongst the captors. That was my opinion, and to it, with every deference, I still adhere.

4. Having received the orders of Government to attach the state, it was my duty honestly to carry them out, and that I faithfully and completely did, as reported by me, and alluded to in paras. 4 and 5 of your Despatch. The orders of the Governor General are not to be disobeyed by me, or by any subordinate authority, whatever the opinion of the individual may be: the orders were for attachment, and these I am quite prepared to support; but the order making away with as prize the state property, that is, the jewels and treasure found in the Fort of Dhar, is of a totally different character, and it was against this decision of the President in Council I ventured to offer remarks.

Annexure, No. 1. 5. Having now made the notification directed in para. 31, I still hope the Governor General will accord some consideration, if not weight, to that which I am about to place before his Lordship.

Para. 8. 6. There was no delay in making known the recognition of the adoption to
Annexure, No. 2. the durbar. A khurreeta, translation of which is annexed, dated 1st October 1857, was addressed to the Rajah; the vakeel appears to have been verbally informed of the favourable reply to the telegram, but as the investiture of the khillut, and the presentation and acceptance of the nuzzur, are the public acts
Para. 9. of recognition, until they have taken place the recognition is not, in the estimation of the native community, completd and final.

7. The Rajah died on the 23d May 1857; the mutiny had broken out at Meerut, and was spreading. The Bhopal Contingent and Malwa Bheel Corps had been assembled at Indore, and great uneasiness prevailed in all classes.

8. I can find no letter on his appointment, or of instructions, to Ram Chunder Rao, who assumed office as minister on the 22d July 1857. Ram Chunder Rao only came once to Indore to visit the Officiating Agent Governor General on his arrival. This was before the death of the Rajah. He states that he never had any communication with the Officiating Agent personally, or by letter from the date of his becoming minister up to the durbar during the siege. He has
Annexure, No. 3. sent copies of the letters he addressed to the Officiating Agent Governor General, and they are annexed. To not one was an answer or acknowledgment vouchsafed.

9. A prohibition to enlist Willaitees or Mukranees had for some time previous to the mutinies been urged in all the native states; these mercenaries, however, had got a hold in Amjheera, Dhar, Ali Rajpoor, and in that quarter, which caused delay in their dismissal, rendered still more difficult by the system under which they took service through their jemadars, who generally were creditors of the state. A great injustice was done to all the states in Malwa by the expulsion of the Rohillas, Wallaitees and Patans from the Hyderabad territory, which at the time was noticed by me to Government. I am unable, however, to quote the date, as all the records of this office were destroyed by the mutineers.

10. From all the information that has been elicited during the several trials held before me, I do not think it was in the power of any petty state to control the Wallaitees, Mukranees, Patans and other Mussulman mercenaries, after the assumption of the throne by the King of Delhi, was promulgated throughout the country; orders, perwannahs, proclamations, on his part and in his name, were circulated throughout the land. The general impression was, that the British power had ceased. The Rajah of Amjheera was weak enough to act on this impression, and justly suffered for his disloyalty.

11. The Dhar durbar were, to a certain extent, worked upon and coerced by these rebel classes, which a weak, if not disunited regency, and a minor chief tended to encourage. The Dhar Wallaitees, Affghans, Mukranees, and others, through their junction with those of Amjheera, involved the Dhar durbar in the charge of complicity.

12. On

12. On the 2d of September, Captain Hutchinson wrote from Camp Mhow.

Para. 2. "At present there are about 500 Affghans and Mukranees in the service of the Dhar chief, and the Amjheera Rajah has a similar number in addition to the Serbundees."

Para. 3. "These mercenaries are out of the control of their respective chiefs; those of Dhar have lately rescued a prisoner made over by my orders to the durbar for custody; they have attempted to stop the mails between Indore and Baroda, and now they contemplate the plunder of the town, or the seizure of the Fort of Dhar." I have underlined this. (signed) *R. N. C. H.* A. G. G.

My assertion is thus borne out by the official report above made to the Officiating Agent, a copy of which I beg to annex *in extenso*, to prevent mistakes. These Wallaitees obtained possession of the Fort of Dhar on the 31st August, as reported on the 5th September, when the Officiating Agent wrote to Government as follows:— Annexure, No. 4.

Para. 2. "The impotence of every chief, great or small, to control their levies, is a normal feature of the state of armed anarchy which afflicts the country."

13. With these official reports on record it is difficult to understand how the "impotent" Dhar durbar could be supposed to have been able to prevent, through its Konkanne and other sepoys, the Fort of Dhar passing into the hands of the Wallaitees and Affghans. But that the durbar looked for assistance from the Officiating Agent, is established by a reference to the vakeel's petition, dated 12th October 1857, a few days after which (20th October) the force moved from Mhow, and hence the impression, general throughout Malwa, that they moved to support the young Rajah. Annexure, No. 5.

14. Captain Hutchinson, in his letter No. 317, dated 15th October 1857, states he has heard from several sources, that the Ranee Jeejee Bai and her brother Bheem Rao Bhonsleh were the instigators of the Dhar Mahomedan mercenaries His informants were fugitives from Bhopawar, and he doubted whether the vakeel attached to him received reliable information, &c. This report was made by Captain Hutchinson at Mhow, where the Officiating Agent Governor General was himself residing, and was susceptible of confirmation, had any really efficient intelligence department existed, but there was no inquiry made, nor any explanation asked. When however Bheem Rao came before me in December, an inquiry being commenced by me, he did not deny that he met the returning Wallaitees, but I stated that he was sent with the object to induce them to encamp outside the town, and to prevent their coming into it to plunder it, as was reported to be their intention; his statement is annexed, and I am bound to add, it is supported by what I have heard from others. Annexure, No. 6. Annexure, No. 7.

15. In respect to the summary dismissal of the Dhar vakeel, I beg to draw attention to the accompanying copy of a letter, No. 669, dated 15th October, to Captain Hutchinson, from the Officiating Agent Governor General, from which the following is extracted: Annexure, No. 8.

Para. 3. "You will either keep or send away the Dhar vakeel of this agency, ordered to join Major Robertson's camp, as you think proper. From your letter of this date I observe you suspect him of withholding information." This was a misconception; it was his own vakeel Captain Hutchinson alluded to, and not the vakeel attached to the Agent Governor General's Office.

16. It is clear that the vakeel had not been dismissed when this letter was written; moreover, on his several petitions, dated respectively 31st October, hereto annexed, are Colonel Durand's order under his signature; it is certain he remained with Captain Hutchinson until he rejoined the Officiating Agent Governor General at Goolwa, and that he was in attendance not only throughout the operations at Dhar, but subsequently at Mundisore; and until the Agent Governor General's return to Indore, where he came to me with the other vakeels, no notice of his dismissal is on record. The vakeel himself makes an affidavit he was never dismissed; the Mir Moonshee of the office was not aware of the circumstance, and not until I had announced the attachment of the State, and that the Rajah was not to be considered as a ruler, did the vakeels, who had all along been in attendance, cease to attend the Agent Governor General's office, and then because I had him informed that he had no one to represent. Annexure, No. 9. Annexure, No. 10.

17. I can only say, with reference to the remarks in para. 19, that unless free

and unreserved communication exist between the chief political authority and the minister or member of a regency at a native court, the actual state of parties and feelings, as far as my experience enables me to form an opinion, can never be known.

18. That dissensions did exist in the Dhar durbar was a matter of notoriety; the very person selected as minister had had a serious rupture with the late Rajah, who had never been reconciled to him. He was unquestionably an able man, and the best selection. He was, moreover, the hereditary minister; but he was notoriously in the English interest, and only could hold his position by the support of the British Agent, and this he broadly states in his letter dated 13th June. All his good qualities without that support would be paralyzed by the state of parties, which at that particular juncture he could not then overcome, and yet could not publicly announce.

In Annexure, No. 3.

19. Had the Officiating Agent sent for the minister, or had he had any personal interview with him, he might have learnt much; at all events, a degree of confidence would have been established which must have been beneficial, and the minister would have felt he had the support of the Agent, or found that not having it, his only course was to withdraw from the regency.

Issued when Lord Ellenborough was Governor General.

20. The circular order issued by Government on the duties of Residents, Agents, and political officers, is clear as to the course they should pursue, and should never be lost sight of.

21. The Dhar troops did not march to Goojree on the Bombay road, nor did Major Robertson's detachment proceed below the Ghauts, or beyond Maunpore bungalow, or the River Karun; so Captain Hutchinson informs me.

22. The bungalow at Goojree was burnt on the 16th of October, at the instigation of Bissun Singh Bhoomiah, by some Bheels. He, Bissun Singh, just as he was apprehended, took poison and died, and five Bheels were hanged, after trial and conviction, in the month of March 1858.

23. The Bombay road was closed south of the Nerbudda towards Sindwa; not within the Dhar State, but by the Bheels of the Satpoora range, against whom operations were taken in the first instance, under my orders, by Colonel Stockley, and subsequently from Candish.

24. The dismissal of the Dhar vakeel has already been shown not to have taken place.

25. The combinations of the Wallaitees, Patuns and Mahomedans was general and extensive; Mundisore was the great focus of intrigue; from thence emissaries were sent in every direction, and an active correspondence inciting rebellion and the destruction of the English kept up.

26. The Amjheera vakeel was dismissed, but the letter which communicated this to the political officer who had charge of the districts of Dhar and Amjheera, does not intimate the dismissal of that of Dhar.

27. The following translated entry from the vernacular diary, details the durbar held at Dhar, on the 28th October 1857.

"The insurgents showed a great activity; small arms were fired and the guns also; when our battery on the hill opened, the rebels were staggered, and ran and hid themselves. An unusual occurrence took place. The Rajah being ready to pay a visit to the Burra Sahib, the Sahib gave his permission. Preparations for the durbar were made at one o'clock in the day, the Rajah Sahib, the Minister Ram Chunder Rao; the Bakshee Bheem Rao Bhonslay, brother of Dropdee Bai; the Burree Ranee of the late chief attended. It was the custom on such occasions for the Mir, or Naib Moonshee, to go to the Rajah's palace, where he received "utter paun," after which the Rajah would start and was met half way by an assistant, who brought the Rajah into the durbar; on this occasion this was not done. The Rajah arrived at the camp in a palkee. Captain Hutchinson, the Bheel Agent, went out to meet him a short distance within the camp as peishwai, and escorted him. A guard of honour was drawn out to salute; this was not observed this time. No such honour was shown when the Rajah entered the tent; the Agent advanced some steps in peishwai, and inquiring after his health, seated him on his right. The Officiating Agent then said to the dewan,—

Jeeja Sahib, father of younger Ranee Rajaba; Soormey, brother of ditto ditto; Winaik Rao Tabakir, darogah of elephants.

On horseback.

'Wah

'Wah toomarey yehan rhoob bundobust raha.' The dewan replied, 'By your favour and assistance, all will be arranged. The Agent said, "The Rajah is a boy and free from responsibility (jowabdehee), which rested, whatever that may be, on you and your advisers, from each of whom a strict account will be taken. Remember this well, the whole responsibility is on you, and you will be answerable. Dewan replied, that he had been minister only for a short time, and the mutiny of the troops existed previously. The Agent said, "Such an excuse would not avail. The late Rajah was well disposed, he never stepped beyond the bounds of obedience to the Government. On this ground the State had been given, but all responsibility is upon your head. After, the Agent asked the Rajah's age, and was informed it was 12 years. When the conversation was over, the Agent presented to the Rajah 'paundan and utter,' and to the minister and the father-in-law of the late chief, 'utter and paun;' to the remainder the office people gave utter and paun, and the durbar ended. No salutes took place. The Rajah returned to his palace. To-day two batteries were opened opposite the gate of the fort, and breaching was determined upon."

"Oh, yours, here has been a pretty bundobust—administration."

28. It is not usual in Malwa to send the political or any British officer to meet or peshwaiee any person except the ruler of the State. Captain Hutchinson went on horseback, and the Mir Moonshee was in attendance; the minor Rajah came attended by the principal officers of the durbar; all received utter and paun on taking leave. There were no military salutes, and the peshwaiee did not go to the usual distance.

29. I may observe, that not in one instance were military honours or salutes paid to any chief who visited me during the whole of the recent campaign: such ceremonies were not observed in camp, and only when Scindia came to Moorar was a salute fired. Their absence in this instance is not unaccountable, for the salute on the Rajah's visit to the Agent, was always fired from the fort; when he visited the Officiating Agent, the fort guns at the time were otherwise engaged, and troops are usually too much harassed by camp duties to be taken away for ceremonies.

30. What was said at the durbar is recorded in the diary, and confirms what I heard from the British officers who were present; the impression was, that the Rajah, being a minor, would not be held responsible or punished, but that the minister and durbar would be severely dealt with. No vakeels were present but those of the Dhar State.

31. If the reception of the Rajah was intended to be that of a private gentleman or person of rank, a durbar need not have been assembled, and sending out in peishwaiee the European officer in political charge to meet the Rajah, should not have been observed. Further, had it not been a public reception of the Rajah of Dhar, it would not have been recorded in the office diary.

32. When the white flag was exhibited at the fort, Captain Hutchinson was directed to ascertain its object; for this purpose he advanced some distance, attended by the durbar vakeel, Ragoobha, attached to him, whom he sent on with the terms "they were to surrender unconditionally within half an hour," and to ask what was the object of the flag. The reply to the vakeel was, that they did not want to speak to him, as he was in the interest of the British, but with some one of the durbar. This was duly reported to the Officiating Agent. No one from the durbar (to whom no intimation appears to have been made) was sent, and firing recommenced at the expiry of the time.

33. A circumstance connected with the display of the white flag was communicated to me by Captain Waterman of the Malwa Bheel corps, who, when recently employed in the Satpoora Hills, met Abbas, jemadar of Mukranees, one of the Dhar garrison, and a chief leader. In alluding to the showing of the white flag, Abbas said that he and his Mukranees had no participation whatever in the plundering of Bhopawar and Soodarpoor, which was done by the Wallaitees alone; that when the fort was invested by Brigadier Stuart, there were two separate parties in the fort, one of the Wallaitees, which had been plundering the cantonments west of Dhar; the other of Mukranees, under himself (Abbas), who were then not committed against the Government; that the Mukranee party hoisted the white flag, but they were not listened to, because the Dewan prevented the Brigadier being informed that there were two separate

parties in the fort, and that thus he (Abbas) was in a way driven into rebellion by being mixed up, *nolens volens*, with the plundering Wallaitees. He upbraided the Dewan for not making known that there were two parties within the fort, and that the white flag had been shown by his party, the Mukranees, who wanted some one from the durbar through whom they could communicate.

34. Whether any intimation should have been made to the durbar is not for me to say, but such might have been done without any detriment to the cause; nor is it for me to express an opinion whether it was the duty of the Officiating Agent to notice the khurreeta of the Ranee, dated 31st October 1857, and to place beyond all doubt the grounds on which he had moved troops, attacked and caused the rebels to evacuate the Fort of Dhar. It is to be regretted that the Officiating Agent did not leave on record in the Persian or vernacular department his views, instructions, advice, warning, or threats, for by such the vakeels of other States, and through such communications the community at large, become acquainted with the facts of a case; there was not the vakeel of a single State present at the durbar at which the minor Rajah attended, and what passed there and then, if judged by the vernacular record, certainly does not convey the idea that the Rajah was to be set aside, or the State punished; what was there said in English might be understood by the Dewan, but no one else, or of those who accompanied the young Rajah, or any one native beside the Mir Moonshee and Raghoba, the Dhar vakeel attached to Captain Hutchinson, understood a word of the English language. So particular are the orders of Government that every intimation made to a native court shall be intelligible to all, that it was ordered that not only should the intimation be made in the official language, but also in that in local use, and in this case, the durbar should have been informed in Ramjree or Mahratee, in addition to the usual communication in Oordoo or Persian.

35. It is worthy of remark, that in the Officiating Agent's Despatch reporting the operations at Dhar, and its evacuation by the Wallaitees, who effected their escape just as the breach was about to be practicable, no allusion is made to the property, treasure and jewels found in the fort being declared prize; it was not until the 14th December 1857, that, for reasons stated in his Despatch, one being a notice by the press, that Colonel Durand submitted his proposition to declare the treasure, &c., prize.

36. I do not intend or desire to interfere in the reward of the troops. That which I respectfully urge is, that their reward should not cause any possible reflection on an act of the Government, by being made out of funds not lawfully at their disposal. Had the State been fined and made to pay the expenses of the campaign, and the fine made over for distribution to the force, the troops would have received their reward, and the punishment of the State would have been a significant example which all native States would have comprehended. Such a course may not yet be impracticable, and it may be accompanied by an act of grace and generosity, by allowing the young minor to be reinstated on the guddee, the administaation during his minority, or during pleasure, or until the fine be paid, being retained by Government. Such an act would redound to the honour of our name, and be received with deep gratitude as an earnest of our clemency, and go far to allay the irritation and alarm which have so widely spread throughout the country, owing to the idea that our policy has aimed at getting rid of every native chief by any pretext, so as to absorb and annex every territory held by a native prince, whether small or great.

Annexure, No. 11. 37. In conclusion, I beg to annex in original copy of a petition addressed to the Right Honourable the Governor General, which reached me by post, of which I have not taken any notice; the original having apparently been forwarded direct to his Lordship. I trust I may be pardoned if I have (most unintentionally I assert) written aught which may be considered inconsistent with my position. I have stated facts, and have appended the proofs; it is my duty to obey the orders of the Governor General; that duty I have conscientiously performed, I hope therefore I may be allowed to speak freely on so important a question.

I have, &c.
(signed) *R. N. C. Hamilton,*
Agent Governor General for Central India.

Annexure,

Annexure, No. 1.

(No. 1731.)

From Sir *Robert Hamilton*, Bart., Agent Governor General for Central India, to Brigadier *Stuart*, C. B., late Commanding Malwa Field Force, Jhansi.

Sir,

I HAVE the honour to inform you, that the Right Honourable the Governor General has directed me to announce to you, for the information of the Malwa field force lately under your command, that the treasure and other property found in the Fort of Dhar shall be considered prize, subject, of course, to the will of Her most gracious Majesty.

I have, &c.
(signed) *R. N. C. Hamilton*,
Agent Governor General for Central India.

Indore Residency,
26 August 1858.

Annexure, No. 2.

Translation of a Khureeta to the Chief of Dhar; dated 1 October 1857.

I HAVE received from the Secretary to the Government of India a letter, No. 2809, dated the 3d July 1857, in which I am informed that the Right Honourable the Governor General in Council had been pleased to recognise your adoption by the late Yeswunt Row Powar, Rajah of Dhar, and to sanction your succession to the guddee of Dhar. I therefore lose no time in communicating the orders of the Governor General of India, and trust that by your conduct and assiduity in the discharge of the duties of the guddee, you will prove yourself worthy of the favour thus conferred upon you by the Governor General in Council.

Annexure, No. 3.

LETTER I.

To Lieutenant Colonel *H. M. Durand*, Officiating Agent Governor General for Central India.

Sir,

I HAVE much pleasure in taking this opportunity of congratulating you upon your honor's arrival at Indore. I trust your honor have enjoyed a pleasant march, and reached at the station in perfect health.

I am desirous of obtaining an interview with you.

The bearer of this is my agent Narayan Rao.

I have nothing further to add, and therefore beg to conclude with my respectful compliments.

Believe me, &c.
(signed) *Ram Chunder Rao Bappojee*,
Ex-minister of Dhar and Jagheerdar of Kanwan.

Dhar, 19 April 1857.

LETTER II.

To Lieutenant Colonel *H. M. Durand*, Officiating Agent Governor General for Central India.

Sir,

I BEG to communicate to you the following:—

His Highness Yeswunt Rao Powar Raja's death took place on the 23d May 1857, from cholera, in his 35 years of age. He is deeply lamented by his family as well as by his subjects. The usual ceremonies were performed on the corpse according to the custom of Hindoos.

The Dewas Rajah Hybut Rao Powar, alias Bappoo Sahib, is here, who is a most agreeable and intelligent prince.

I am happy to say that the installation of the young Rajah took place on the 10th instant after performing the ceremony of adoption by the widow of the deceased, and seated him on the "musnud," under the name of Anund Rao Puar, who is now 14 years of age. The ceremony appears to have been conducted very imposingly, and to have given the greatest satisfaction to all classes. You are, no doubt, aware that I was prime minister at the Court of Dhar for 10 years, from 1836 up to 1846; unfortunately obstructions had arisen to my successful and peaceful management of the State affairs.

But I feel confident of being reinstated through your kindness, as I have no other protector besides the English gentlemen.

There is so much confusion and mismanagement which have long since been prevailing at the Court of Dhar, through want of a good minister.

The weather continues hot and dry. With best wishes for your prosperity,

I remain, &c.
(signed) *Ram Chunder Rao Bappojee,*
Ex-minister of Dhar and Jahageerdar of Kanwan.

LETTER III.

To Lieutenant Colonel *H. M. Durand,* Officiating Agent Governor General for Central India.

Sir,

I AM very happy to hear your honor have reached Mhow in safety, and are in good health.

You have been informed by Captain A. R. E. Hutchinson, political duties at Bhopawar, of my reappointing by H. H. the Rajah of Dhar, into the office of a minister to the Dhar State by the medium of Dewas Rajah Hybut Rao Puar, alias Bappoo Sahib, on consulting with the said gentleman.

I received the clothes of investiture of minister on the 22d ultimo; from that time I am conducting the affairs of the State under Baee Sahib, the widow of the late Rajah.

The season hitherto has certainly been very favourable, and we may trust that it will continue so. With best wishes for your prosperity,

I remain, &c.
(signed) *Ram Chunder Rao Bappoojee,*
Dhar, 12 August 1857. Minister of Dhar State.

LETTER IV.

To Lieutenant Colonel *H. M. Durand,* Officiating Agent Governor General for Central India.

Sir,

THE bearer of this is Appajee Dhondeo, the vakel of the Dhar State, who is in attendance at the Manpoor agency. With best compliments,

Believe me, &c.
(signed) *Ram Chunder Rao Bappoojee,*
Dhar, 14 August 1857. Minister of Dhar State.

LETTER V.

To Lieutenant Colonel *H. M. Durand,* Officiating Agent Governor General for Central India.

Sir,

I AM sorry to say that the second widow of the late Rajah died three days ago.

I think you would confer a great favour upon the Rajah and the regent Baee Sahiba, by expressing your condolence with them under this trial.

I beg your honor will accept of my respectable compliment.

I remain, &c.
(signed) *Ram Chunder Rao Bappoojee,*
Dhar, 3 November 1857. Minister of Dhar State.

LETTER VI.

To Colonel *H. M. Durand,* Officiating Agent Governor General for Central India.

Sir,

I HAVE the honour to inform you that I reached Mhow on the night of the 4th instant, and in consequence of being restricted to the limits of the bazar, I am put to much inconvenience for want of suitable accommodation, and shall feel obliged by your allowing me the limits of the station of Mhow in lieu of that of the bazar.

Trusting your honor enjoys good health, and with very best wishes,

I remain, &c.
(signed) *Ram Chunder Rao Bappoojee,*
Camp Mhow, 12 November 1857. Minister of Dhar State.

Annexure,

Annexure, No. 4.

(No. 274 of 1857.)

From Captain *A. R. E. Hutchinson*, Bheel Agent and Political Assistant, to Colonel *H. M. Durand*, Officiating Agent Governor General for Central India.

Sir,

I HAVE the honour to inform you that the Affghan and Mukranee mercenaries at Dhar and Amjehra are in a most uncertain and excited state; their number too seems to increase, for parties of from twenty to forty have arrived from Dohud and districts to the west; this no doubt has been caused by the enlistment of these classes by the Amjhera Rajah, and the ejection of them from the Punj Mhals by Captain Buckle.

2. At present there are about 500 Affghans and Meekranees in the service of the Dhar Chief, and the Amjhera Rajah has a similar number, in addition to sebundies.

3. These mercenaries are out of the control of their respective chiefs; those of Dhar have lately rescued a prisoner made over by my orders to the durbar for custody. They have attempted to stop the mails between Indore and Baroda, and now they contemplate the plunder of the town or the seizure of the Fort of Dhar.

I have, &c.
(signed) *A. R. E. Hutchinson*,
Bheel Agent and Pol. Assistant.

Bhopawar Agency, Camp Mhow,
1 September 1857.

Annexure, No. 5.

Ordered to be Translated into English, 13 October 1857.

TRANSLATION of an Urzee from the Vakeel of Dhar, to the Officiating Agent Governor General for Central India; dated 12 October 1857. Received on the 13th October 1857.

THE Willaitees and Patan mercenaries of Dhar mutinying, went to Bhopawar, and fighting with the detachment of the Malwa Bheel Corps there, and seizing their guns and ammunition, have returned to Dhar, and are encamped outside. What they intend to do next is unknown; no confidence whatever can now be placed in any troops (sebundees, &c.) so as to employ them against the rebels. Such I have been informed by the Sircar, and report to you accordingly. The only confidence of the Rajah now is in you, and you should make the best (bundobust) arrangement in your judgment.

(True translation.)

(signed) *F. J. H. Helbert*,
Assistant Agent Governor General for Central India.

Annexure, No. 6.

From Captain *A. R. E. Hutchinson*, Bheel Agent and Political Assistant, Bhopawar, to Colonel *H. M. Durand*, Officiating Agent Governor General for Central India.

Sir,

I HAVE the honour to bring to your notice that I have heard from several sources that the Ranee, Jeejee Baee, and her brother, Bheo Rao Bhonslah, are the instigators of this rebellion of the Dhar Mahomedan mercenaries.

2. My informants are fugitives from Bhopawar, who state that the above is the topic of conversation in Dhar, and that Bheo Rao went out to the village of Eyanpoora, three miles on the Bhopawar road, to welcome the victorious Willaitees, and that he conferred a dress of honour on their leader.

3. The conduct of the durbar too is suspicious; and I believe that the vakeel for the Dhar State attached to this agency, does not receive any reliable information; or that he has purposely deceived me as to the nature of the Durbar's negotiations with their mutinous mercenaries, and in the numbers they have enlisted.

4 These Willaitees are, I am told, encamped round the Dhar Fort, and they have a party of 50 men within its walls; the vakeel also informs me that they have five guns.

5. Emissaries from Mundisore are also in Dhar, and I hear that they are treated with the greatest attention and civility by the authorities.

6. I take this opportunity to mention, that the rebels in Dhar and Amjhera receive information of everything that goes on in this camp from the vakeel for Amjhera, attached to the Central India Agency.

I have, &c.

(signed) *A. R. E. Hutchinson,*
Bheel Agent, and Political Assistant.

Bhopawar Agency, Camp, Mhow,
15 October 1857.

Annexure, No. 7.

SUBSTANCE of a Statement made by *Bheem Rao,* before the Agent Governor General for Central India, on the 2d January 1858.

I HAVE been a silladar in Pundara sowars for the last 20 years. There were 50 sowars formerly, 40 being enlisted now.

I have been all along at Dhar since the commencement of the mutinies, and there have never been any Willaitees or Mukranies under me. I was at home the day the Willaitees and Mukranies went out under arms from the palace and the town; I did not hear of the event until about 8 p.m., when the same was reported to the Baee Sahib, and intimation given to the vakeel. The Willaitees and Mukranies returned the second day at about 3 p.m. I was sent for by the Baee, who expressed her fears of the town being plundered by the Willaitees. I went under her orders to the staging bungalow, and told Gool Khan it was her order for them not to go into the town. I then took them to the bungalow, which they set on fire; I put down the fire, and on the men trying to go into the town, I remonstrated with Gool Khan about their so doing. He said he would keep them from going, and that I might retire, which I did, going home. I never after that went to the Willaitees, excepting once in "Sawun" for the purpose of persuasion. Gianpoora is about four miles distant from Dhar; I never went to meet the Willaitees there, but I used every second, third, and fourth day to go out airing in that direction. I was hidden in the palace the day the British troops arrived at Dhar. Bala Bukshee had written a letter to Mhow, which being intercepted by the Willaitees, it was given out that they would plunder me, and the Bukshee's house. I by no means had gone out that day, and was lying hid in the "zenana" in the palace.

The names of the four jemadars of Pindarees are Kaloo, Imambux, Mahomed, and Nusseer, of whom some are present here.

(True translation.)

(signed) *F. J. H. Helbert,*
Assistant Agent Governor General for Central India.

Annexure, No. 8.

(No. 669.)

From Lieutenant Colonel *H. M. Durand,* Officiating Agent Governor General for Central India, to Captain *A. R. E. Hutchinson,* Bheel Agent and Political Assistant.

Sir,

I HAVE the honour to request that you will join the camp of Major Robertson, commanding detachment at Maunpoor, and that you render that officer every assistance both as to information, obtaining intelligence, and securing supplies.

2. You will keep me informed of all that passes under your cognisance.

3. You will either keep or send away the Dhar vakeel of this agency, ordered to join Major Robertson's camp, as you think proper. From your letter, No. 317, of this day's date, I observe that you suspect him of withholding information.

4. The Amjhera vakeel in attendance on this agency has been directed to leave cantonments with all his attendants; and that if he is found in cantonments, or any of his people after 6 p.m., they will be treated as spies.

I have, &c.
(signed) *H. M. Durand,*
Officiating Agent Governor General for Central India.

Indore Residency, Camp, Mhow,
15 October 1857.

Annexure, No. 9.

ABSTRACT of an Urzee from the Vakeel of Dhar, dated 31st October 1857.

THE cowherds of camp force away from the grazing grounds cattle belonging to the people of the town of Dhar. Please have strict orders issued and arrangements made.

Ordered, Reply be written that cattle carried off from here have been detained at Mhow cantonments; owners should be sent to the cantonments to recognise and receive them. Dated 31st October 1858.

ABSTRACT of an Urzee from the Vakeel of Dhar, dated 31st October 1857.

THERE are sugar-cane fields belonging to the people of the town of Dhar outside. People of the troops carry off sugar-cane and cause damage. Several fields have been swept off, and now they carry off from other fields; much damage is done to the rayts. I beg you will be pleased to arrange about it.

Ordered, Reply be written to say, that any plundering sugar-cane is to be reported to the Brigadier. Dated 31st October 1858.

ABSTRACT of an Urzee from the Vakeel of Dhar, dated the 31st October 1857.

ON the soldiers killing people in the town of Dhar, the people intended leaving the town. Many have already left. I beg a perwanah may be issued by your giving "khatree" to the rayts, so that they may not leave. "Khatree" has been given them on the part of the State. Your perwanah will be satisfactory.

Ordered, Reply be written that the rayts of Dhar, if they conduct themselves properly and not attack Government troops, will not be molested by any one. Dated 31st October 1857.

ABSTRACT of a Khureetah from *Daropdee* and *Luchmee Baees* of Dhar, dated 31st October 1857.

After compliments.

Business of the State continued to be conducted properly up to this date; friendship being kept on both sides, all went on right, through your kindness. Now, the Willaitees and Mukranees disturbing, have carried matters to their present pitch; we have every hope of safety, notwithstanding, from a patron, well-wisher, and supporter of friends, like you. You have been put to great trouble in punishing the rebels, and in marching to this with troops. We shall never forget this obligation; the honour of the State rests with you. The support (nigahs) of the Company's Government kept up "bundbust" up to this time, and we had no trouble. These "budmashes" have now given us much annoyance, and your coming to punish them has caused us much satisfaction. To save the town, the rayts, and the treasure in the fort, rests with you at the present juncture, and we are satified that, whatever you do will promote the good of the people and the State.

Ordered, To be recorded, 2d November 1857.

(True translation.)

(signed) *F. J. H. Helbert*,
Assistant Agent to the Governor General for Central India.

Annexure, No. 10.

I, GOVIND RAO, in the service of the Dhar State, do solemnly affirm that I was durbar vakeel, attached on the part of the Dhar Durbar to the Agent Governor General; that I succeeded my father in the office, and continued in daily attendance on the Officiating Agent until I was sent to Major Robertson; that I rejoined the Officiating Agent Governor General's camp at Goolba, and continued with it all the time he was at Dhar, and subsequently accompanied him to Mundisore and Indore, and that, on the Agent Governor General's resuming office, I continued in attendance on him and his office until the attachment of the State. I was informed by the Agent Governor General, through Moonshee Shahamut Ali, that as I was vakeel of the State, and the State having ceased, there was no occasion for my attendance at the Indore office.

29 August 1858.

(True translation.)

(signed) *F. J. H. Helbert*,
Assistant Agent to the Governor General for Central India.

Annexure, No. 11.

From Her Highness *Droopuotee Baee Saheb Powar*, of Dhar, to the Right Honourable Lord *Canning*, the Governor General of India.

Meer Mohamed Shahamet Ally Sahib came to the durbar on the 14th February 1858 from Captain Hutchinson, and delivered two kharitas from the Agent to the Governor General for Central India, under date Lallyunge, 19th January 1858, one to myself, and the other to Anandrao Baba Sahib Powar, the contents of which were as follows:—

2. "In the month of October last, the late Maharaj Saheb adopted Anand Rao Powar as his son and successor, and the Government, in accordance with the articles of the treaty, acceded to it; but in a few days the managers of the Dhar durbar, in the movement of the crisis, evinced enmity and opposition at Dhar, and it was left at the option of the British Government to assume the affairs of their State into its own charge."

3. On learning the above, my amazement exceeded all bounds, because not a single act of disaffection or disobedience had been to this day evinced by the Dhar State; on the contrary, everything was done to the utmost of its power to show its devoted attachment, submission, and gratitude to the British Government, and its commands and requisitions were always most punctually obeyed and complied with. A few of the acts of the durbar are hereunder detailed.

4. From the day the disturbances in Malwa commenced, this durbar undeviatingly, without failing in a single instance, conducted itself agreeably to the wishes and instructions of the Officiating Agent to the Governor General for Central India and the Bheel Agent; and after the outbreak, and during the disorder which prevailed, the dawk between Agra and Bombay and the branch to Baroda, was protected throughout the Dhar districts, and the electric wire was also saved from the Bheels, who frequently threatened to destroy it. Five elephants were sent to General Woodburn's force; the safety of the roads was preserved, as well as the tranquility of the neighbourhood; in obedience to the orders received, 50 sepoys, with two guns, were despatched to Bhopwar for the protection of that station.

5. After that, as ill-luck would have it, the Pathans who were in the employ of the Sirkar became disaffected. It may be observed that these Pathans were old servants of the durbar, and enjoyed its confidence to such a degree that on former occasions they were sent with Captains Johnstone and Evans against the Bheels, on which duty they conducted themselves with such zeal, alacrity, and steadiness, that they earned the good opinion of those gentlemen, and brought to the durbar the highest commendations from them, and were accordingly rewarded with inams, &c. That such a change should have come over their minds, with that of almost all Hindostan, is most deplorable and unaccountable. Nothing more can be said about it than that it was the pleasure of God that this once happy and contented country should be so inflicted.

6. The immediate cause of the revolt here seems to have been the following circumstance. The Agent at Bhopawar sent a fakeer belonging to Amjhera to be imprisoned at Dhar. When the fakeer arrived at Dhar, the Willaitees rose and rescued him, and raising the standard of "deen" (faith), seized the fort of Dhar. Becoming now alarmed at their manifest evil intention, the ammunition and other military stores that were in the town and its immediate vicinity were promptly secured, and prevented from falling into their hands.

7. When they had established themselves in the fort they used every endeavour, even bordering on coercion, to induce my son and myself to go into the fort and place ourselves in their power, but their importunity was successfully eluded at that trying and critical moment. No succour or assistance arrived at this time, consequently they became emboldened to proceed without restraint in their outrageous conduct. Under these galling and perilous circumstances, and seeing no help from any quarter, I was compelled, although ever so much against my inclination and sense of duty to the British Government, to enter into an agreement with my oppressors. A copy of it was forthwith forwarded to the Agent at Bhopawar, and the peculiar nature of my situation fully explained. A copy of that paper is herewith appended for your Lordship's information, and humane and indulgent consideration.

8. From the day that the Willaities seized the fort, constant applications for assistance were submitted to the British authorities. The importunity at last seemed to be so distasteful that even a reference to the subject was deemed offensive.

9. When the Willaitees marched away from Dhar, it was not exactly known where they were going to, but it was supposed that their destination was Bhopawar. This was communicated at Mhow. When the rebels returned from Bhopawar, and were meditating the sacking of Dhar, the inhabitants were greatly alarmed and agitated; Bheem Rao Bhonslah was deputed to dissuade them from it and entering Dhar, but they would not listen to him, but went into the fort and turned the guns in the town. They came also into the town freely, and committed outrages. Information of the above was sent to the agent, and assistance once more earnestly implored. After this the Officiating Agent to the Governor General for Central India marched from Mhow with the British troops for the

the relief of Dhar, and punishment of the rebels. While on the road hourly intelligence was forwarded of the doings of the mutineers.

10. After a siege of 10 or 12 days a breach was effected, but before the storm, the enemy evacuated the place during the night, intimation of which was conveyed to the camp by the Marattee garrison which remained behind, without delay. The Agent afterwards went to see the fort, and when the keys of the treasuries were demanded, they were immediately handed over. He has desired that Ramchunder Rao Bappo, Bheem Rao Bhonslay and others, should be made over to him. This was done forthwith.

11. Subsequently three or four messages and khureetas were sent to Colonel Durand, inviting him to the palace, with the view of explaining to him *vivâ voce* everything that had occurred. But the Colonel sahib did not come, and shortly after proceeded to Mundesoor, leaving Captain Hutchinson in charge. Under that gentleman's directions and wishes the affairs of Dhar continued to be satisfactorily conducted.

12. In the khureetas from the Agent to the Governor General, above alluded to, it is said that, owing to the conduct of the managers, the treaty had been abrogated. It is respectfully solicited that the conduct which has drawn down such a serious and overwhelming calamity in the Dhar Durbar, may be distinctly pointed out, as it is utterly unconscious of acts done, or intentions contemplated, that could entail on it the displeasure and wrath of its benefactor, the British Government.

13. The resources of this petty State are well known to your Lordship. They are so insignificant that no apprehensions could be entertained from them in any way.

14. Eight days previous to the outbreak at Dhar, Colonel Durand sent the khureeta, according to the adoption of Anandrao Baba Saheb Powar, to the Musnud of Dhar. Had any suspicions been entertained against the Durbar, then it is not likely that the khureeta would have been written.

15. The truth of the matter is this, that ever since the disturbances began in Malwa, the safety of the dawk, the preservation of the electric wire, the detachment sent for the protection of Bhopawar elephants, supplied to the force under General Woodburn, soliciting aid and support, long before the return of the Wallaitees, securing ammunition, &c., which were in the town and around it; sending constant information of the proceedings of the Wallaitees, making over the Durbar people on demand, supplying rasuds, artificers, and whatever was required for the use of the force, during the time it remained at Dhar, which was 17 days; and invariably doing everything in our power that might be agreeable to the British Government, might be allowed to evidence the sincerity, fidelity, and submissive and zealous attachment of the Dhar Durbar. The above is here recapitulated to bring the entire conduct of the Durbar more prominently, and in one view, to your Lordship's notice and favourable consideration, relying on the result being nothing less than justice to this little State and the spread of the renown of the British power.

16. Should your Lordship be pleased to bestow due consideration on what has been submitted in this statement, it is unfeignedly and sanguinely hoped that the stigma now resting on this Durbar will be completely removed, for what has been urged, would of itself exonerate it from even the semblance of blame. It is only necessary to add here that after the demise of the late Maharaj, the affairs of the State under minority were in anything but an organized state, and that all its hopes and expectations were concentrated on the aid, support, and advice of the British authorities to extricate it from its difficulties.

17. It is not concealed that the Moosulmans and Poorbeas have caused great confusion and disaster in large and powerful States, and were not at once controlled. Therefore, considering the extent of Dhar, its resources, and the troops in its employ, being chiefly Moosulmans, it is not to be wondered at that it was unable to contend against them, and that it was left helpless at their mercy. The whole of the troops amounted to about 800, of whom between 500 and 600 were Moosulmans of the country and Wallaitees, about 125 sowars and some 200 or so Peadas, almost without arms; what chance was there of curbing this body of well-armed, licentious, and infatuated ruffians? Under these distressing and embarrassing circumstances the appeal was made to the British authorities at Mhow for aid. It not being practicable to afford it in time, led to the sad events which ensued.

18. Under the above detailed narrative of my unfortunate position, and referring to my present deplorable situation, I have ventured to submit all the particulars to Sir Robert Hamilton, Bart., Agent to the Governor General for Central India, trusting that he will advocate and support my cause with your Lordship, to whom alone I can look for extrication and the restoration of the Raj.

19. Should any part of what has been above stated appear doubtful, it is most earnestly solicited and urged that a stringent and scrutinizing inquiry may be instituted, that the truth may be fully elicited.

I have, &c.
(signed) _____

1 May 1858. Sig. in Nagree.

PAPER of Agreement between the Durbar of Dhar and the Wallaitees and Pathans in its Durbar, Dhar, 2d September 1857.

(Seal of the Kutcheree.)

(Translation.)

ARZEE, or Memorandum, from the Jemadars of the Pathans, presented to the Sirkar of Dhar, on the 3d Bhoddar Soodhi, Wednesday 1265, 12th Mohorum.

I. Sahib Goolkhan, jemadar, claimed from some persons as follows, which the Sirkar is required to get paid:—

1. Apajee Sudasew, on account of dustooree, from the year 1245 to 1259; 15 years.
2. Bapoo Viswunath Buxee, principal amount: 313 rupees.
3. Bhooria Teli's son, his dustooree, paid into the Sirkar, but my claims remain unadjusted.
4. Narain Rao Nana, principal amount: *Rs.* 429. 8., besides batta due to the Sepoys.
5. Luximon Sing Karabin Wala, principal amount 400 rupees.
6. Bala Buxee, on account of dustooree, from 1262 to 1264.

II. The Fakeer of Amjhera to be pardoned his crimes and offences.

III. The Sepoys who have been invited must be entertained to the extent of 150: more need not be, and no limit as to period of service will be insisted upon.

IV. No loss, damage, or injury shall accrue through us to the Sirkar or the British in the dawk department, electric telegraph, or any other, but as ill feelings exist between the British and us, it must be stipulated that no injury shall be allowed to reach us in any manner.

V. The troops to garrison the Fort of Dhar to consist of the following: 50 Pathans, 50 Mukranees, 50 of the Jemadars Pathans, 50 Kokanees, and 50 Shagird pesha, &c., the whole 250.

VI. The Sirkar may remain in the fort at pleasure.

We are to have full liberty of ingress or egress into the town of Dhar. We shall be subservient to the Sirkar. No suspicion should be entertained against us; a koul or kurarnama must be given to us, and we pledge ourselves on the Koran to prove faithful; should any signs of breach of faith appear on our part, the Sirkar can inflict punishment.

Sun 1265, Summut-1914.

Signatures in Persian of Saheb Goolam Khan Jemadar, and Sahib Khan Jemadar.

The Sirkar's orders on the above.

To *Sahib Goolam Khan*, Jemadar of Wallaitees and Pathans.

THE six articles of memorandum which you have submitted to the Durbar are accepted; with respect to money matters therein alluded to on the examination of and after the comparing of accounts, a settlement shall be effected and the money paid.

13th Bhadah Soodhi, 1265.
2 September 1857.

CAPTAIN HUTCHINSON having proceeded to Jabooa from Bhopawar to avoid the violent proceedings of the rebels at Amjhera, intimated his desire to come to Dhar, and requested that an escort and conveyances might be despatched, to enable him to do so with his party. On this requisition, palanqueens and sowars are sent to join.

2. The batteries were opened, but as no immediate effect was produced, the Agent sent a message requiring the presence of such as might be well acquainted with the localities of the fort, and could point out the weak parts of the fortifications; accordingly several individuals were forwarded, who made out plans of the works, and pointed out the weak places of the ramparts, &c.

3. The Amla (official establishment) of the Bhopawar Agency, who had been kept under restraint by the Amjhera rebels, were rescued and brought away from Amjhera to Dhar, by assistance and aid sent from Dhar for that purpose.

Enclosure in No. 397, dated 30th August 1858.

NOTE.

RAGHOBA NARAIN, the vakeel on the part of the Dhar State, was not an old servant of the Durbar; he entered the late Raja's service at Nassick in January 1854, on the Rajah's visit to the Bombay Presidency. He is not a native of Dhar, and was not previously known to the people of the place. He speaks English, and is a very intelligent person, but had no local influence, or weight.

(signed) *R. A. C. Hamilton,*
Agent Governor General for Central India.

(No. 255.)

From Brigadier General Sir *R. Shakespear*, K.A., Agent to the Governor General for Central India, to *C. Beadon*, Esq., Secretary to Government of India, Foreign Department, Fort William ; dated Indore Residency, 26 May 1859.

Sir,

I HAVE the honour to forward translation of a kaifiyat from the widow lady, who was formerly Regent (on the part of her adopted son) of the Dhar State.

2. My predecessor, in his Letter, No. 397 of 30th August 1858, fully discussed his views regarding the Dhar question.

3. There is no new matter in the inclosed paper; it is merely written to remind that the reply of Government to former representations has not been received.

I have, &c.
(signed) *R. C. Shakespear.*

TRANSLATION of Kaifiyat from *Darooda Baie*, the Ranee of the late Rajah of Dhar; dated 17th May 1859.

GOBIND RAO, vakeel, has informed me of your arrival at, and taking charge of, the Indore Residency. This afforded me great pleasure, and regarding it as a propitious time, I take this opportunity of laying before you a brief account of the Dhar (Riasut) State.

Before this, a representation was made direct to the Governor General regarding the Dhar State, and Mr. Secretary, in his reply thereto, dated 20th August, was pleased to observe that representations of this nature should be made through the Agent Governor General.

In accordance with this order, a letter * was sent to the Agent Governor General for transmission to Government. The Agent was pleased to report the whole matter to the Supreme Government; subsequently another letter or yad was addressed to the Agent, but no answer has been returned. This has proved a source of great anxiety. As I regard you in the light of my patron, I beg to inform you that nothing as yet having come to light as regards the decision of Government respecting the restoration of the State, I cannot adequately express the anxiety and trouble of the sirdars and servants of the State since the late misfortunes.

*Dated September 1858.

Under these circumstances, I am sure you will try to restore the Riasut to prosperity.

All the dependents of the State are suffering from want and anxiety. I therefore beg to request that you will remind the Governor General of this case; this will add to your own credit, and put me under great obligation. There is room to expect that the matter will be brought to a speedy decision, and I have strong hope that you will favour me with a reply.

(True translation.)

(signed) *R. C. Shakespear*,
Agent to the Governor General for Central India.

POLITICAL DEPARTMENT.

From the Secretary of State for India in Council to the Governor General of India in Council; dated 14th February (No. 8), 1860.

Para. 1. YOUR Lordship's letters of the 6th and 30th December on the subject of the confiscation of the Dhar Principality have only just reached me, and have been considered by me in Council. These letters are in reply to the letter of the late Court of Directors, dated 22d June 1858, to which your attention was called by the letter of Lord Stanley noted in the margin,† and I cannot avoid the expression of the regret of Her Majesty's Government that your explanation of the grounds of your proceeding in this case should have been so long delayed.

†Dated 1st March (No. 8) 1859.

2. Your Lordship has in these letters entered fully into the grounds upon which you determined to visit this State with the severest measure of punishment, and to enforce a confiscation which would have the effect of depriving the Powar family of its ancient territorial possessions.

3. Her Majesty's Government concur with you in deeming the conduct of the Durbar and troops of this principality, and especially the time and manner of the introduction into the fort of Dhar, of Makranee and Welaitee soldiers of known hostile disposition to the British Goverment, to have warranted the severe measures you adopted. Her Majesty's Government further admit the force of the arguments you have adduced in favour of holding the head of a State responsible to the fullest extent for the actions and conduct of its Durbar and establishments.

4. But, entertaining these views, Her Majesty's Government still consider that the question of enforcing a confiscation justly incurred is always one of expediency, and in this case they are disposed to adhere to the course of policy suggested by the considerations urged in the 9th para. of the letter of the Court of Directors, dated 22d June 1858, in which Her Majesty's Government have expressed their full concurrence in Lord Stanley's Despatch, dated 1st March (No. 8) 1859.

5. They are of opinion that it cannot fail to redound to the credit of British administration if, notwithstanding the misconduct of the Durbar and troops, a merciful consideration were given to the claim arising from the youth and apparent innocence of the young Raja himself, and from the uniform good conduct of his predecessor in this ancient Rajpoot principality; and that by making such arrangements for the future government of Dhar as will not permanently deprive him of the inheritance upon which by the favour of the British Government he had so recently entered, the feelings and sense of justice of the people and princes of India will be better consulted than by enforcing the confiscation, and transferring the territory to a Mahratta State.

6. After a full consideration, therefore, of all the circumstances, Her Majesty's Government have resolved to extend mercy to the young Raja, and to direct his restoration to the title and position he inherited as head of the principality of Dhar, reserving, however, the administration of the territory of the State in the hands of British officers until he shall reach the age of 18 years, if he shall then be reported qualified to undertake it.

7. Her Majesty's Government, however, while it has decided to forego the extreme penalty of the confiscation of the State, consider that it is not right nor expedient that the principality of Dhar should wholly escape all penalties for the misconduct of those who directed its counsels and forces during the late events.

8. For some years past the Government of India has, for the sake of the tranquillity of the country, administered Bairseeah, an outlying pergunnah of Dhar, and has paid annually to the ruler of Dhar a lack of rupees, a sum considerably exceeding the revenues of the pergunnah. Her Majesty's Government direct that the payment of this sum shall cease, that the rights of the Raja of Dhar to this pergunnah shall be considered as forfeited, and that it shall be at the disposal of the Governor General for such purposes as he may be pleased to direct.

(signed) *C. Wood.*

(No. 55.)

To the Right Honourable Sir *Charles Wood*, Bart., M.P., Her Majesty's Secretary of State for India.

Fort William, Foreign Department,
3 July 1860.

Sir,

We have the honour to forward copies of correspondence* with the Governor General's Agent for Central India, showing the effect which has been given to the instructions communicated in your Despatch, No. 8, dated the 14th February last, respecting the administration of the native State of Dhar, and its ultimate restoration to the young chief.

*To Agent, Central India, dated 7 May 1860.
From ditto - ditto - dated 22 May 1860.
To - ditto - ditto - dated 15 June 1860.
From ditto - ditto - dated 29 May 1860.
To - ditto - ditto - dated 18 June 1860.

2. We

2. We also forward copies of previous correspondence on the subject of this State, as follows:

From	Agent,	Central India,	dated	30 October 1858.
From	ditto	ditto	dated	22 March 1859.
To	ditto	ditto	dated	17 December 1859.
From	ditto	ditto	dated	9 February 1860.
To	ditto	ditto	dated	2 March 1860.
From	ditto	ditto	dated	28 March 1860.
From	ditto	ditto	dated	21 April 1860.

We have, &c.
(signed) *Canning.*
H. B. E. Frere.
J. Wilson.

(No. 514 D. of 1858.)

From Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General; dated, Indore Agency, 30th October 1858.

Sir,

By the original treaty with Dhar we paid one lac of rupees on account of the Bairseeah pergunnah. I request instructions whether payment of that sum is to be made to the manager or discontinued.

2. Tributes due to the Dhar State will of course be realised.

3. Dhar paid no tribute or contribution to any contingent except 8,000 rupees to the Malwa Bheel corps.

4. Annexed is copy of a letter, No. 425, from Captain Hutchinson, in charge of Dhar affairs.

I have, &c.
(signed) *R. Hamilton,*
Agent Governor General for Central India.

(No. 425 of 1858.)

From Captain *A. R. E. Hutchinson*, Bheel Agent and Political Assistant Agent Governor General, to Sir *Robert Hamilton*, Bart., Agent Governor General for Central India, dated Bhopawur Agency, Camp Rutlam, 30th October 1858.

Sir,

Referring to the affairs of the Dhar State, I have the honour to bring to your notice that the following instalments on account of the Bairseeah districts are due :—

	Rs.
For the half year ending 1st February 1858 -	50,000
For the half-year ending 1st August 1858 - -	50,000

2, The Ali Mohun tribute (second instalment for 1914), amounting to 5,000 rupees, is also due.

3. The tanka for Larawut is also in arrear.

I have, &c.
(signed) *A. R. E. Hutchinson.*

(No. 140 of 1859.)

From Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India, to *R. Simson*, Esq., Under Secretary to the Government of India, Foreign Department, Fort William; dated, Indore Residency, the 22d March 1859.

Sir,

I have the honour to submit a Report on the district of Bairseah received from the Political Agent at Bhopal, and though it is deficient in information on

some points, still I deem it best to send it on, because it shows to a certain extent what has been the loss consequent to the mutinies in that district, and because it is as well that some rule for guidance may be laid down regarding the collection of the arrears, the district of Bairseeah belonging to the Dhar State.

2. The Bairseeah district was fast improving when the calamities of the year 1857–58 fell on it. The old balances were as follows:—

		Rs.	*a.*	*p.*
The Fuslee year	1262	2,821	5	6
,,	1263	1,021	10	5
,,	1264	5,304	6	1½
,,	1265	16,541	4	2
TOTAL		*Rs.* 25,688	10	2½

Since the close of the year *Rs.* 2,991. 10. 7. have been realised, leaving a total balance of *Rs.* 28,680. 4. 10½. outstanding.

3. As a general rule, I would suggest that the balance in all loyal villages be at once remitted, and that the zemindars and tenants be so informed.

4. The circumstances attendant on the outbreak at Bairseah are peculiar; the principal leader was an old Pindaree pensioner, by name Shoojawut Khan; the detachment of the Bhopal Contingent did worse than nothing; they aided in the plunder of the treasury and stood aloof, if some did not actually participate in the murder of the native assistant, Baboo Soobrao, a most valuable servant of our Government.

5. It is important to bear in mind that the British Government pay one lac of rupees per annum to the Dhar State for Pergunnah Bairseeah, and that we have never realised this amount, nor for some years is it likely we shall. If the Dhar State be a lapse, then the payment will cease, and with it our loss; but should the Dhar State be restored, as I trust it will be, then I would recommend Bairseeah be given up and our management terminate.

6. It was originally supposed that, by having a tract of country under our direct management in the centre of the States, we might possess a footing which would command a beneficial influence all around; the occurrences of 1857–58 must have entirely dissipated such an expectation, which we never attempted to realise, or even advance, by locating any troops in and making Bairseeah the head station of the Political Agent at Bhopal; the arrangement has proved ruinous in a financial point of view, and failed to realise any political object; to restore the district to the Dhar State would be considered a boon, and I think, the opportunity might be made available to mutual advantage.

I have, &c.
(signed) *R. Hamilton,*
Agent to the Governor General for Central India.

(No. 59.)

From Major *W. H. Rickards*, Political Agent in Bhopal, to Sir *Robert Hamilton*, Bart., Agent to the Governor General for Central India; dated, Bhopal Agency, Sehore, 12 March 1859.

Sir,

I HAVE the honour to forward two Jumma Wasil Bakee accounts for Fuslee years 1264 and 1265, corresponding with 1856–57 and 1857–58, and to submit the following report of Pergunnah Bairseeah.

My letters, Nos. 85, 86, 87, and 88, dated 26th May 1857, have already furnished you with the information required by Government on several points connected with Bairseeah, in Mr. Secretary Edmonstone's letter, No. 5,700, dated 17th November 1856. It now remains for me to report on the condition of the district in regard to revenue, and the effect of the mutinies in impeding the collections.

The

3. The gross balance of arrears of revenue at the end of 1263 fuslee, as reported by Captain Eden, was Bhopaul *Rs.* 12,769. 5. 7.

See letter, No. 257, dated 17th November 1856.

In the following year *Rs.* 8,842. 3. were realised, as per margin, and a balance of *Rs.* 3,927. 2. 7. only remained due to Government on 30th June 1857.

Realised in Fuslee year 1264, *Rs.* 8,579. 15. 10. Remitted by order of Government, *Rs.* 262. 3. 1½.

The amount of revenue for the fuslee year 1264, was *Rs.* 94,007. 2. 5½., of which the collections were *Rs.* 84,457. 14. 5., and the balance in arrears, *Rs.* 9,549. 4. –½. Thus, the whole balance due to Government on 30th June 1837, stood as follows:—

	Rs.	*a.*	*p.*
Arrears of revenue as in para. 3 - - - -	3,927	2	7
Ditto, of Fuslee 1264 - - - - -	5,622	1	5½
TOTAL as above - - -	9,549	4	–½

5. The large amount of Bhopaul *Rs.* 8,342. 2. 11., the outstanding balance of the fuslee year 1262, or 1854–55, the year of blight, realised in 1264, is attributable to the good season of 1855, and the exertions of the late Assistant Baboo Soob Row.

See report of my predecessor, No. 57, dated 22d May 1855.

6. The balance of *Rs.* 5,622. 1. 5½. remained unrealised at the end of 1264 fuslee, or 1856–57, on account of the ravages of cholera in the district in the months of April and May 1857, and the alarm and excitement which followed the outbreak at Delhi.

7. On the 10th of July 1857, the British officers were compelled to leave Sehore, and proceed to Hasungabad for safety. On the 14th idem the assistant at Bariseeah, Baboo Soob Row, in charge of the Pergunnah, with his Roobakar Nubees, Moonshee Mukhdoom Buksh, two peons and a gomashta of the Cannoongoes, were murdered by a band of marauders, headed by Shoojawut Khan, Pindaree chief, a political pensioner residing in the district, and Surferaz Khan, Willaitee, from Bhopaul, who plundered the Government Treasury, burnt the Government bungalow and records, and liberated the prisoners. The town of Bairseeah was fortunately spared from being plundered and burnt. Shoojawut Khan proclaimed himself Nawab of the district, and established his thana at Bairseeah, but soon after left the place to join the rebel standard of Adil Mahomed Khan, Jageerdar of Ambakanee (Bhopaul). Her Highness the Begum, Regent of Bhopaul, was requested by me to dispatch a sufficient number of her troops to occupy Bairseeah, and preserve order and peace in the district. At this juncture, the chief of Nursinghur volunteered his services to assist in keeping the peace in the district. His offer I willingly accepted, and at the same time I appointed Moonshee Baijee Nauth, of the Agency, a steady and experienced servant of Government, to officiate in Baboo Soob Row's place. Great credit is due to Moonshee Baijenauth for the manner in which he performed the duties, at a time of difficulty and confusion, when hazard and risk of life existed on all sides. His presence in Bairseeah tended greatly to keep the district in tranquillity and order. Moonshee Baijnauth, while at Bairseeah, captured Shoojawut Khan and his son, the principal in the murder of Baboo Soob Row: they were hanged at Sehore, in January last. On another occasion he captured the emissaries of the rebel Rajah of Banpoor.

Vide report, No. 102, dated 14th July 1857.

8. After the disturbance in Bairseeah, on 14th July 1857, Thakoors Chuttersal of Ugrah, Berkhina Murdun Sing, of Pathun (Bhilsa) and Roor Roomair Sing, a Jageerdar of Rajghur, committed depredations in several villages of the district. Again, by the aggressions of the Rajah Muxoomdunghur's people, the crops of two neighbouring villages were cut and destroyed by cattle, and five villages were deserted; causing, altogether, a loss of *Rs.* 2,658. 1. 8. to the zemindars. The chief has been fined 3,000 rupees, with your approval, and compensation made to the sufferers.

Owing to these outrages many of the zemindars have been ruined, have left their homes and fields uncultivated, and taken refuge in the adjoining districts, which were comparatively safe.

9. From the Jumma Wasil Bakee account of the pergunnah for the year 1857–58, ending 30th June last, you will notice the effects the disturbances in the country have had in the realisation of the Government revenue in this district; a very considerable balance remains to be realised.

The following statement shows the demands and balance in the year 1265 fuslee or 1857–58 :—

	Rs.	a.	p.	Rs.	a.	p.
Balance of 1264 on 30th June 1857 was - - - -				9,549	4	½
Add revenue demands for 1265 or 1857–58 - - -				81,500	–	–
TOTAL of demands - - -				91,039	4	½
Deduct:						
Realised during 1265 fuslee in account of collections of former years - - -	210	8	2			
Ditto of jumma for 1265 Fuslee - - -	62,158	14	–			
				62,369	6	2
Balance at the end of 1265 fuslee, or 30th June 1858 - -				28,680	4	10
Or in further detail—						
Land revenue of Ryotwarree villages - - - - -				18,857	7	–
Ditto of Sohunkuwarra - - - - -				9,820	13	10½
TOTAL as above - - - Rs.				28,680	4	10½

11. The acting assistant, Moonshee Baijnauth, reports that the balance of the Ryotwarree villagers are for the most part against places that have been laid waste by the depredations of the marauders mentioned above. Another cause of the accumulation of arrears is the over high assessment of some villages.

12. In the Sohunkuwarra, or hereditary Jageers of the Sohunkee Rajpoot Thakoors, a large balance of *Rs.* 9,820. 13. 10½. remains to be realised; on the demand being enforced the thakoors submitted that they entertained during the disturbances an increased number of armed men for the protection of the district, and thus incurred considerable expense, for which they solicit some remission of rent. But as the thakoors rendered no assistance in protecting the villages from plunder, I think their request for remission is undeserving of notice, and have accordingly directed the acting assistant to recover the entire demand, since no other reason is pleaded by the defaulters.

The following is a detail of the balances on the 1st March 1859 :—

	Rs.	a.	p.
Balance of Fuslee 1262 - - - - - - -	2,821	5	6
Ditto 1263 - - - - - - -	1,021	10	6
Ditto 1264 - - - - - - -	5,304	6	1½
Ditto 1265 - - - - - - -	16,541	4	2
TOTAL of balance on 1st March 1859 - -	25,688	10	3½
Realised since 30th June 1858 - - - - - -	2,991	10	7
Balance on 30th June 1858, *vide* Jumma Wasil Bakee account - - - - - - - - - Rs.	28,680	4	10½

By which it will appear that *Rs.* 2,991. 10. 7. only have been realised since 30th June last. Remissions to a considerable extent will have to be made ultimately on account of these balances.

14. Compensation, to the extent of *Co's. Rs.* 652. 14. 5., has been awarded to the zemindars of 14 villages in the pergunnah, on account of losses sustained by them from destruction of crops by the encampments of British force traversing the district.

15. As regards the school and dispensary in Bairseeah, I have the honour to report that the former was closed for about two months after the murder of the late Assistant, but on the arrival of Moonshee Byjnauth it was again opened; the attendance, however, of the pupils was indifferent. The school is now again in as good working order as before the mutiny, and musters as many students. The native doctor attached to the dispensary fled from his post during the disturbance in Bairseeah, and has not been heard of since, it was consequently shut for five months, until another native doctor could be obtained. The instruments and medicines belonging to the dispensary were not touched by the marauders.

I have, &c.

(signed) *W. H. Rickards,*
Political Agent in Bhopal.

Jumma Wasil Bakee Account of Pergunnah Bairseeah for the Year 1264 Fuslee, from 1st July 1856 to 30th June 1857.

	DEMANDS IN THE YEAR 1264 FUSLEE.										Collections from 1st July 1856 to 30th June 1857.			Remaining Balance at the end of 30th June 1857.		
	Balance at the end of 1264 Fuslee.				Jumma of 1264 Fuslee.	Increase, Jumma.	Total.	Decrease, Jumma.	Balance, Jumma.	Grand Total.						
	Gross Balance of previous Year.	Remission.		Net Balance at the end of 1264 Fuslee.							Collections of former Years.	Jumma for 1264 Fuslee.	Total.	Balance on account of former Years.	On Account of 1264 Fuslee.	Total.
		Date of Government Authority.	Amount.													
	Rs. a. p.		*Rs.* a. p.	*Rs.* a. p.	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.
Land Revenue of Royatee Villages of Pergunnah Bairseeah	11,556 – 8½	Mr. Secretary Edmonstone's Letter, No. 5700, dated 17th Nov. 1856.	262 3 1½	11,293 13 7	66,950	– –	66,950	– –	66,950	78,243 13 7	7,801 14 3	64,070 5 3	71,872 3 6	3,491 15 4	2,879 10 9	6,371 10 1
Land Revenue of Royatee Villages of Pergunnah Soohinkheewara ditto	1,213 4 10½	– – –	– –	1,213 4 10½	14,550	– –	14,550	– –	14,550	15,763 4 10½	778 1 7½	11,807 9 3½	12,585 10 11	435 3 3	2,742 6 8½	3,177 9 11½
Total – – *Rs.*	12,769 5 7	– – –	262 3 1½	12,507 2 5½	81,500	– –	81,500	– –	81,500	94,007 2 5½	8,579 15 10½	75,877 14 6½	84,457 14 5	3,927 2 7	5,622 1 5½	9,549 4 –½
Sayer and Custom Collections of Pergunnah Bairseeah	– – –	– – –	– –	– – –	4,500	– –	4,500	– –	4,500	4,500 – –	– – –	4,500 – –	4,500 – –	—	—	—
Grand Total – *Rs.*	12,769 5 7	– – –	262 3 1½	12,507 2 5½	86,000	– –	86,000	– –	86,000	98,507 2 5½	8,579 15 10½	80,377 14 6½	88,957 14 5	3,927 2 7	5,622 1 5½	9,549 4 –½

Assistant Political Agent's Office, Bairseeah,
14 April 1858.

(signed) *Jan Ally Khan,*
Officiating Assistant Political Agent, Bhopal.

Jumma Wasil Bakee Account of Pergunnah Bairseeah, for the Year 1265 Fuslee, from 1st July 1857 to 30th June 1858.

	DEMANDS IN THE YEAR 1265 FUSLEE.									Collected from 1st July 1857 to 30th June 1858.			Remaining Balance at the end of 30th June 1858.		
	Balance at the end of 1265 Fuslee.				Jumna of 1265 Fuslee.	Increase, Jumma.	Total.	Decrease, Jumma.	Balance, Jumma.	Grand Total.					
	Gross Balance of previous Years.	Remission.		Net Balance at the end of Year 1265 Fuslee.							Collections of former Years.	Jumma for 1265 Fuslee.	Total.	——	On Account of 1265 Fuslee.	Total.
		Date of Government Authority.	Amount.													
	Rs. a. p.		*Rs. a. p.*	*Rs. a. p.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Land Revenue of Ryotee Villages of Pergunnah Bairseeah	6,371 10 1	- - -	- -	6,372 1 1	66,950	-	66,950	-	66,950	73,322 1 1	210 8 2	54,252 1 11	54,462 10 1	6,161 8 11	12,697 14 1	18,859 7 -
Land Revenue of Ryotee Villages of Pergunnah Shohunkheewarra	3,177 9 11½	- - -	- -	3,177 9 11½	14,550	-	14,550	-	14,550	17,727 9 11½	- - -	7,906 12 1	7,906 12 1	3,177 9 11½	6,643 3 11	9,820 13 10½
Total - - *Rs.*	9,549 4 -½	- - -	- -	9,549 11 -½	81,500	-	81,500	-	81,500	91,049 11 -½	210 8 2	62,158 14 -	62,369 6 2	9,339 2 10½	19,341 2 -	28,680 4 10½
Sayer and Custom Collections of Pergunnah Bairseeah	- - -	- - -	- -	- - -	4,500	-	4,500	-	4,500	4,500 - -	- - -	3,000 - -	3,000 - -	- - -	1,500 - -	1,500 - -
Grand Total - *Rs.*	9,549 11 -½	- - -	- -	9,549 11 -½	86,000	-	86,000	-	86,000	95,549 11 -½	210 8 2	65,158 14 -	65,369 6 2	9,339 2 10½	20,841 2 -	30,180 4 10½

Assistant Political Agent's Office, Bairseeah,
28 August 1858.

(signed) *Jan Ally Khan,*
Officiating Assistant Political Agent, Bhopal.

(No. 715.)

From the Secretary to the Government of India, with the Governor General, to the Agent to the Governor General for Central India; dated Camp Golowtee, 17 December 1859.

Sir,

YOUR predecessor's letters regarding the Bairseeah Pergunnah, of the numbers and dates noted in the margin,* have been duly submitted to His Excellency the Governor General, and I am directed in reply to communicate the following instructions.

2. In regard to the arrears of revenue, the Governor General desires that wherever on a summary inquiry it appears that the zemindars were compelled to pay revenue to the rebels, or are unable to liquidate the Government demand in consequence of injury done to their villages during the rebellion, the arrears should be remitted.

3. I am directed to add that none of the points referred to in the Orders of 17th November 1856, appear to have been attended to. His Excellency desires that they may receive attention.

4. The Bairseeah compensation cannot, of course, be paid to the Dhar State at present, but the amount is to be held in deposit.

5. With regard to the future disposal of the pergunnah, you will receive instructions hereafter.

I have, &c.
(signed) *C. Beadon*, Secretary to the Government of India, with the Governor General.

(No. 18.)

From Colonel Sir *R. C. Shakespear*, Knt., Agent Governor General for Central India, to *Cecil Beadon*, Esq., Secretary to the Government of India, with the Governor General; dated Camp, 9 February 1860.

Sir,

I HAVE the honour to forward a copy of a report by Captain Cumming on the revenues of the Dhar State.

2. The income of the Dhar State is derived from seven pergunnahs, in the vicinity of Dhar itself, the pergunnah of Bairseeah, near Sehore, the tributes of Airwas and Alli Rajpoor, and collections on the Bharoolpoora and the Maunpore roads.

3. The following are the details of the gross revenue:—

	Rs.
1. Seven pergunnahs, including Khasjee - - -	4,08,738
2. Bairseeah Purgunnah - - - - - -	1,00,000
3. Tribute of Airwas - - - - - -	600
4. Tribute of Alli Rajpore - - - - -	10,000
5. Collections on Maunpore and Bharoolpoora roads -	14,000
Total gross revenue, Halee *Rs.* - - -	5,33,338

4. Of the seven pergunnahs, pergunnah Dhar Khas, contains 179 villages, of which 15 were granted by the native State for temples and jagheers.

5. Of

* No. 514 A, dated 30th October 1858, inquiring whether Bairseeah compensation is to be paid to the Dhar State; No. 140, dated 22d March 1859, submitting a report on the district of Bairseeah.

5. Of the remaining 164 there are 14 villages, which are called "khasgee," and under the native government they were held to meet personal and family expenses of the rajah.

6. I find that the average of 10 years, from 1848 to 1857, shows the gross revenue of the remaining 150 villages of Pergunnah Dhar to have been 1,62,367 rupees, and that of the 14 khasjee villages appears to be 46,871 rupees. The total is 2,09,238 rupees. But this is gross revenue.

7. The whole net receipts of the 150 villages, including the 14 khasgee villages, will be about 1,96,113 halee rupees for the year ending 5th of June 1859.

8. In round numbers, the gross revenue of the seven pergunnahs is four lacs, of which Pergunnah Dhar Khass, including khasgee village, is two (2) lacs.
Pergunnah Bairseeah is one lac, and the tribute and road collections are 33,000 rupees.

9. Amongst the enclosures is a table showing the number of villages in each pergunnah, and giving details of those granted for religious purposes, for jagheer and on fixed tribute, also those for which leases have been given.

10. Pending the final orders of Government, I have directed Captain Cumming to turn his attention more particularly to Pergunnah Dharumpooree, and to endeavour to effect a settlement for 20 years with the zemindars of that pergunnah.
We have gone over the papers carefully, and I think we have safe data on which to make the above settlement.
I selected Pergunnah Dhurumpooree, because it has the largest number of villages on lease.

11. Until the orders of Government are received, my instructions to Captain Cumming have been to make as little change as possible in the arrangements which existed under the native Government, and to work as much as possible with the hereditary officers of the State, supervising their proceedings himself, and by people in his employ.

I have, &c.
(signed) *R. Shakespear*,
Agent Governor General for Central India.

(No. 1.)

REPORT on the DHAR STATE.

SIR JOHN MALCOLM, in A.D. 1819, sets down the revenues of the Dhar State at 2,67,004 rupees.
He estimated that in five years the revenue would rise to 6,54,412 rupees, but it does not seem to have ever reached that amount.
The return marked "A.," furnished by Umrut Rao Sudaseo Furnavees, gives the full amount of the revenue, with the exception of the khasgees Dhurmada, Dewusthan, &c., the revenues of the Maunpoor and Bharoolpoora roads, and of the Surawud Pergunnah
The khasgee account is shown in paper "C." There is no account of the Dhurmada, Dewusthan. The Maunpoor and Bharoolpoora road account is shown in paper "D."
The tanka of the Surawud Pergunnah, amounting to *Rs.* 666. 10. 8. is annually paid to the support of the Malwa dispensaries.
Return "A." shows a steady rise up to the year 1827, when the revenue had reached the sum of 3,95,691 rupees.
In 1829 and 1830 there was a decrease of about 10,000 rupees, owing to the leases of a number of villages expiring in that year.
In 1831, the revenue recovered itself, owing to certain payments made by patells on enam lands, and amounted to 3,97,693 rupees.
In 1832 and 1833, the revenue again fell, owing to certain leases expiring. In the latter year, it was 3,59,910 rupees.

In

In 1834 it reached the amount of 4,00,553 rupees, which was the largest amount collected in any one year since 1819.

In 1835 there was a slight decrease, but in 1836 the revenue again exceeded four lacs.

In 1837 and 1838 there was a similar decrease and increase.

In 1839, 1840, and 1841 the collections decreased to 3,97,412 rupees, owing to a survey of lands which took place.

In 1842 the revenue reached the sum of 4,06,124 rupees, and for the two following years exceeded four lacs.

In 1845 it amounted to 4,30,270 rupees.

The accounts of the Nalcha Pergunnah of 1846 and 1847, were, owing to the kamavisdar having absconded, not made out; however, the total revenue of the latter year amounted to 4,33,098 rupees.

The return marked "A." gives all particulars up to this date, after this it seems no annual account of the Dhar Pergunnah was made up up to 1857.

In 1854 no account was made of the income of the Maunpoor Pergunnah; and from 1854 to 1857, the total account of Budnawur was not made up.

In 1857, that of Dhurumpooree was not sent in to Dhar.

I have, therefore, ordered return "B." to be made out; in it the above items are given from such records as I have been able to collect from the pergunnahs.

I have adopted in this return such information as is given in return "A."

At present the Dhar State is divided into seven pergunnahs, viz:—

1. Dhar.
2. Budnawur.
3. Nalcha.
4. Kooksee.
5. Dhurumpooree.
6. Jehangeerpoore.
7. Nemunpoor.

A separate account of each of these is given below.

The pergunnah of Bairseeah is not under this Agency; the nominal income amounts to one lac.

Dhar.

The Dhar Pergunnah contains 179 villages, of which—

Dewusthan and Dhurmada	9
Chuttree	2
Inam and Jagheer	4
	15

Leaving 164, which yield revenue to the State; of these—

Motee Khasgee	6
Chotee ditto	8
	14

These 14 were confiscated in 1857.

One hundred and fifty villages are in the charge of the kamavisdar, and these from 6th June 1858 to 5th June 1859, brought in—

	Rs.	*a.*	*p.*
Ain Jumma	1,31,698	2	9
Sewai ditto	25,395	10	6
Total	*Rs.* 1,57,093	13	3

	Rs.	*a.*	*p.*
Of this remained unpaid	31,064	10	6
The sum actually collected was	1,26,029	2	9
Total	*Rs.* 1,57,093	13	3

	Rs.	a.	p.
Of the unpaid balance there has since been collected up to the 31st December 1859	15,363	–	3
Making a total paid	1,41,392	3	–
Balance unpaid	15,701	10	3
Total	Rs. 1,57,093	13	3

The following are the unpaid items:—

	Rs.	a.	p.
Sayer	2,027	9	6
Mint	249	–	–
Due by patells	280	5	–
Opium contract	238	8	6
Due by Kesore zemindar	551	–	–
On account of disputed rents	3,789	12	–
By other farmers	4,742	1	3
In Khalsa villages	2,733	–	9
Miscellaneous	1,090	5	3
Total	Rs.. 15,701	10	3

The item of disputed rents is due on 17 villages, held by three influential sowcars, who say that they were induced by the late Rajah to agree to the sums set down in order that others might not hang back from giving the sums for which the other villages were set up.

From inquiry the amount demanded does not seem excessive, and I am told that were the villages put up to-morrow the full amount would be realised on a new lease.

Since I assumed charge of the Bhopawur Agency, 31 new leases have been given in the Dhar Pergunnah by the manager.

The farmers of 29 of these have appeared before me, and agreed to the sums set down in the "puttas."

The revenue system under the native Government was very slack; written leases were seldom given, and it is said that the farmers always expected considerable remissions from the sums they agreed to pay.

Owing to no definite orders regarding the disposal of the State having been received from Government, the manager, when the State was first put under British management, was ordered to carry on business in the same manner as was customary during the rule of the Rajah, and this obtains up to this day.

The total of the outstanding balances in the 150 villages of the Dhar Pergunnahs, previous to 5th June 1858, amounted to *Rs.* 1,31,636. 14. 6.—

Of which became due before the death of the late Rajah	Rs. 111,896	a. 13	p. 3
In 1857–1858	19,740	1	3
	Rs. 1,31,636	14	6

The recovery of the first item is doubtful, owing to the debtors having in many cases absconded, and also owing to the want of authentic records: *Rs.* 818. 13. 3. only have been recovered up to 31st December 1859. Of the second item, *Rs.* 2,112. 5. have been recovered up to the above date; a further sum will be probably recovered when the subject referred to in para. is settled. *Sic orig.*

Of the 150 villages in this pergunnah, 22 are inhabited by Bheels, who pay nothing whatever to the State. The greater part of the pergunnah is let in leases, which have one, two, and three years to run.

It is computed that 26,000 beegahs of culturable land are now waste.

The

Khasgee.

The Motee Khasgee contains six villages in the Dhar pergunnah, besides Jurayut in Dhurowza; also two gardens. The revenue for 30 years, from 1829 to 1859, is shown in Paper (C.)

The Chota Khasgee contains eight villages in the Dhar pergunnah, and produces an income as shown in Paper (C.) The records only show the accounts for the last two years.

The Khasgee account is separate from that of the pergunnah, and is not included in the 150 villages in charge of the kamavisdar.

Since the Dhar State has been under our management, an allowance of 1,503 rupees, which was formerly paid to each Khasgee on account of clothing, has been paid in to the state treasury.

BUDNAWAR PERGUNNAH.

The Budnawar pergunnah contains 142 villages, of which 20 are khalsa, and 121 held by 14 thakoors, who pay an annual tribute amounting to 76,496 rupees.

The khalsa villages, in 1859, produced an income of 34,378 rupees from all sources.

Besides the above, there was one village in jagheer, which was confiscated in 1857. This village is now let for an annual rent of 4,390 rupees.

The revenue, therefore, of the pergunnah at this time may be estimated as follows:—

Tribute	*Rs.* 76,496
Twenty khalsa villages	34,378
One jagheer	4,390
Khasgee clothing allowance	458
Jurayut confiscated	90
Extra Income of Dutteegarah	1,249
Nuzzurana	300
	Rs. 1,17,361

In 1857 the outstanding balance in this pergunnah was 1,15,579 rupees, of which 1,896 have been collected, since the state has been under British management; the arrears due amount to 3,217 rupees.

Of the shares of tribute paid by the various thakoors in this pergunnah those of Koad, Budwul, and Panna seem very high.

Koad is said to produce annually	*Rs.* 14,000
And pays Tanka	9,511
	Rs. 4,489
Budwul is said to produce annually	13,700
And pays Tanka	9,658
	Rs. 4,042
Panna is said to produce annually	700
And pays Tanka	501
	Rs. 199

Besides the tribute, one per cent. is paid as potdaree.

The above income has been computed for a favourable year; the profits in bad seasons are much less.

Nalcha Pergunnah.

There are 56 villages in this pergunnah, exclusive of the Fort of Mandoo. Of these—

Enam	4
Dhurmada	1
	5

Leaving in the hands of the kamavisdar 51 villages. These, from the 6th June 1858 to 5th June 1859, brought in—

	Rs.	*a.*	*p.*
Ain Jumma	15,219	9	9
Sewai Jumma	2,448	6	3
	Rs. 17,668	–	–
Of this remained unpaid	7,071	–	–
Of which since collected	4,014	14	–
Leaving still unpaid	*Rs.* 3,056	2	–

The chief unpaid items are—

Loss by fire in Bagria	*Rs.* 1,360
Ditto - in Nalcha	542
Abkaree	234
Sayer	191

It was customary formerly to grant remissions to the amount of five-sixteenths in cases of fire. The inhabitants of Nalcha and Bagria have petitioned that they may be allowed the above remission.

The remaining items are small, and probably will nearly all be recovered at an early date.

The pergunnah is for the most part khalsa. The southern part is very hilly, and is inhabited by Bheels.

Kooksee Pergunnah.

The Kooksee pergunnah includes Kunwarra and Loharee.

It comprises 76 villages, of which—

Deserted	5
Dhurmada	1
	6

The remaining 70 villages have, with the exception of the year 1856, been farmed since 1853 by one Ragoo Gobind, who thus holds the whole pergunnah. His lease expires in 1861. The rent in 1853 was 28,008 rupees. In 1856 the pergunnah was held as khalsa by way of experiment. The income decreased, and in 1857 it was again made over to Ragoo Gobind for 25,998 rupees. It increases annually by 400 rupees, and in 1861 will amount to 27,598 rupees.

The kamavisdar, or rather farmer, is allowed for expenditure 4,597 rupees annually, so that in 1861 the full revenue to the state will stand at 23,001 rupees.

When last farmed, the pergunnah was not put up to public competition, but was made over to the present holder by a private arrangement of the late Rajah.

A great

A great portion of the pergunnah is covered with hills and jungles, and is inhabited by Bheels. *Rs.* 1,134. 8. 9. are still due by the farmer for 1859.

Dhurumpooree Pergunnah.

This includes—	*Villages*
Dhurumpoore	138
Sooltanabad	57
Bulker	26
	221
Of which—	
Dewasthan	5
Inam	9
	14

Balance 207 are in charge of the kamavisdar, of which 28 are deserted, leaving 179, which from 6th June 1858 to 5th June 1859, brought in—

	Rs.	*a*	*p.*
Ain Jumma	31,139	5	6
Sewai Jumma	5,613	7	3
Rs.	36752	12	9

Of this remained unpaid, on the 30th June 1859, *Rs.* 478. 4.

The sum actually collected was *Rs.* 36,274. 8. 9., of which 2,142 is paid by Bheel chiefs.

The greater part of the pergunnah is in farm, the rest being khalsa.

Large tracts of ground lie waste from want of population to till the soil.

Jehangerpoor Pergunnah.

There are 18 villages in this pergunnah, of which—

Khalsa	3
Under Bheel Chiefs	15
	18

The income of the khalsa villages amounted only to 58 rupees.

Of the others, one only pays a tribute of 61 rupees. The other 14 pay nothing.

The remainder of the revenue is derived from sayer, and the present lease, which has been given for three years, amounts for the whole pergunnah to 1,264 rupees, which is paid clear to the state, the farmer paying all zemindaree huqs. This is the highest rent which has been realised for this pergunnah for many years.

Neemunpoor Pergunnah.

This pergunnah lies in Nimar, between the Vindyan mountains and the Nerbudda, to the east of the Indore and Asseer road.

It is entirely covered with jungle, has a thin population of Bheels, and produces only about 200 rupees of land revenue, the remainder of the income being derived from sayer dues.

These dues were let in 1855 for five years, at the following rates :—

1855	*Rs.* 3,189
1856	3,279
1857	3,374
1858	3,494
1859	3,614

1,001 rupees are still due by the farmer. No one being willing to farm the dues on the expiring of the last leases, the pergunnah is now khalsa. The income, therefore, of the seven pergunnahs, may be estimated in round numbers as follows :—

	Rs.
Dhar	1,57,093
Budnawur	1,17,361
Nalcha	17,668
Kooksee	27,000
Dhurumpooree	36,752
Jehangeerpoor	1,264
Nemunpoor	3,600
Khasgee	48,000
Total	*Rs.* 4,08,738

The Maunpore and Bombay road, in 1858, brought in 2,951 rupees, but the income of this road depends on the amount required from the gross collections by the executive engineer on account of repairs.

The Bharoolpoora road, in 1856, brought in 7,392 rupees. Owing to the disturbances in 1857, the income decreased, but now that the opium scales are again established at Dhar, there seems no reason why this amount should not again be realised.

The gross revenue of the state may therefore be considered :—

	Rs.
Seven pergunnahs and Khasgee	4,08,738
Bairseeah and Airwas	1,00,600
Maunpore and Bharoolpoora roads	14,000
Tribute of Ali Mohan	10,000
Total	*Rs.* 5,33,338

(signed) *W. G. Cumming,*
Political Assistant.

Dhar, 21 January 1860.

(A.)

No.	Years. Fuslee.	Years. A. D.	Account of Income of Dhar State, with the Exception of the Khasgee. Pergunnah Dhar.	Pergunnah Budnawur.	Tanka of Ali Rajpoor.	Tanka of Airwas.	Account of Dhurmada, Dewasthan, &c., from the Fuslee Year 1227, or A. D. 1820, to Fuslee Year 1264, or A. D. 1857. Pergunnah Banseeah.	Pergunnah Neemunpoor Mukrar.	Pergunnah Jehangirpoor.	Pergunnah Nalcha.	Pergunnah Dhurmpoorie.	Pergunnah Bulker.	Pergunnah Sooltanabad.	Pergunnah Kooksee.	TOTAL.
			Rs. a. p.	*Rs. a. p.*											
1	1227	1820	48,687 14 9	92,145 5 6	- - -	- - -	50,000 - -	- - -	85 - -	2,223 2 9	2,839 1 -	339 7 9	- - -	25,653 7 6	2,21,973 7 3
2	1228	1821	70,907 6 3	96,387 13 6	- - -	- - -	50,000 - -	2,651 - -	103 8 -	3,363 - -	2,371 11 9	430 6 6	- - -	26,923 9 9	2,53,138 11 9
3	1229	1822	69,272 13 9	99,079 4 3	- - -	- - -	50,000 - -	3,933 12 -	96 - -	3,813 5 6	6,358 10 6	681 11 3	- - -	26,044 2 -	2,59,279 11 3
4	1230	1823	95,151 15 3	1,12,908 8 9	10,000 - -	- - -	50,000 - -	4,277 13 6	108 6 6	5,575 7 3	9,217 15 -	1,304 12 -	- - -	27,548 8 9	3,16,093 7 -
5	1231	1824	97,189 6 9	1,10,587 10 6	10,000 - -	- - -	50,000 - -	3,913 8 -	108 - -	6,038 9 -	10,660 - 3	1,332 - -	- - -	29,735 - 3	3,19,564 2 9
6	1232	1825	1,11,802 7 6	1,09,659 6 -	10,000 - -	- - -	1,00,000 - -	651 - -	107 - -	6,321 14 6	15,678 7 9	1,455 6 6	- - -	25,831 14 6	3,83,507 12 9
7	1233	1826	1,09,939 13 9	1,06,127 15 -	10,000 - -	1350 - -	1,00,000 - -	3,282 4 -	127 14 -	7,491 13 6	22,491 12 9	1,457 14 9	- - -	24,609 3 9	3,86,878 11 9
8	1234	1827	1,18,823 3 -	1,03,822 6 6	10,000 - -	- - -	1,00,000 - -	4,859 7 3	216 8 -	7,911 2 9	24,310 - 9	1,504 13 -	- - -	24,629 5 3	3,96,076 15 9
9	1235	1828	1,14,497 3 9	1,06,512 14 3	10,000 - -	- - -	1,00,000 - -	4,063 9 -	187 - -	9,228 2 6	25,017 3 6	1,476 - -	- - -	24,709 11 -	3,95,691 12 -
10	1236	1829	1,09,363 7 -	1,01,042 14 6	10,000 - -	- - -	1,00,000 - -	4,799 15 3	189 - -	9,219 8 6	23,867 15 3	2,253 13 3	- - -	25,303 11 6	3,86,040 5 3
11	1237	1830	1,10,200 3 9	1,02,665 7 9	10,000 - -	600 - -	1,00,000 - -	4,918 15 3	107 - -	9,465 1 6	22,685 10 9	1,547 6 -	- - -	25,574 11 3	3,87,764 7 3
12	1238	1831	1,20,597 13 3	1,05,445 15 9	10,000 - -	600 - -	1,00,000 5 -	2,471 12 6	220 - -	1,109 12 -	22,372 10 6	1,593 - 6	- - -	23,776 5 3	3,97,693 12 9
13	1239	1832	1,12,337 2 9	1,03,428 11 3	10,000 - -	600 - -	75,078 6 3	1,690 6 9	228 13 3	9,749 3 6	22,294 8 3	1,595 8 6	- - -	22,592 12 -	3,59,595 10 6
14	1240	1833	1,20,701 1 6	1,05,219 4 -	10,000 - -	600 - -	60,401 6 -	4,979 2 9	233 - -	9,583 10 3	22,804 - 6	1,654 6 9	- - -	23,734 7 6	3,59,910 7 3
15	1241	1834	1,40,555 4 -	1,20,790 15 6	10,000 - -	600 - -	59,808 13 -	2,232 9 -	257 12 -	12,210 9 3	24,116 14 -	1,657 9 3	- - -	28,089 13 6	4,00,318 3 6
16	1242	1835	1,41,591 12 -	1,15,911 - 3	10,000 - -	600 - -	62,300 12 3	1,499 6 6	226 8 -	11,642 4 6	24,460 5 6	2,937 2 6	3,228 8 -	23,264 8 6	3,97,662 4 -
17	1243	1836	1,46,776 1 6	1,08,744 13 -	10,000 - -	600 - -	67,193 4 9	2,307 6 3	238 6 3	11,673 10 -	24,398 7 6	2,344 14 9	3,758 6 6	22,517 11 3	4,00,553 1 9
18	1244	1837	1,51,549 - -	1,08,891 12 -	10,000 - -	600 - -	57,340 9 12	2,973 5 6	290 - -	11,551 8 -	23,658 6 3	2,544 14 9	4,258 6 6	23,644 6 3	3,97,302 4 9
19	1245	1838	1,71,840 2 6	1,20,548 7 -	10,000 - -	600 - -	56,624 14 -	2,925 8 -	305 - -	13,748 14 9	23,780 14 -	2,394 14 9	3,659 6 6	31,353 2 -	4,37,781 3 6
20	1246	1839	1,60,125 2 -	1,05,577 6 -	10,000 - -	600 - -	56,715 14 3	2,925 8 -	335 - -	12,028 9 3	23,329 14 -	1,746 8 6	2,684 7 6	23,187 13 6	3,99,256 7 -
21	1247	1840	1,13,387 12 9	1,05,188 15 3	10,000 - -	600 - -	1,00,000 - -	2,925 8 -	355 - -	11,512 10 -	25,097 1 9	1,804 6 6	2,360 10 6	24,535 7 6	3,97,767 8 3
22	1248	1841	1,14,668 11 3	1,02,170 - 9	10,000 - -	600 - -	1,00,000 - -	3,025 8 -	375 - -	11,505 3 -	25 332 3 3	1,817 5 6	2,282 12 6	25,635 14 9	3,97,412 11 -
23	1249	1842	1,15,890 11 -	1,03,031 8 9	10,000 - -	600 - -	1,00,000 - -	3,125 8 -	375 - -	12,400 15 9	30.533 13 6	1,927 2 6	2,580 4 9	25,659 3 3	4,61,024 3 6
24	1250	1843	1,19,866 9 9	1,07,122 1 6	10,000 - -	600 - -	1,00,000 - -	3,225 8 -	401 - -	12,376 1 6	26,351 - -	2,100 - -	2,649 - -	26,663 10 -	4,11,294 14 9
25	1251	1844	1,21,292 6 -	1,07,864 4 3	10,000 - -	600 - -	1,00,000 - -	3,325 8 -	402 - -	12,305 9 9	27,319 - -	2,201 - -	2,771 - -	26,787 4 -	4,14,868 - -
26	1252	1845	1,38,249 15 9	1,05,534 9 9	10,000 - -	600 - -	1,00,000 - -	3,425 8 -	411 - -	12,357 - 3	28,649 - -	2,201 - -	2,894 - -	25,948 - 9	4,30,270 2 6
27	1253	1846	1,38,201 6 6	1,08,461 15 -	10,000 - -	600 - -	1,00,000 - -	3,525 8 -	410 - -	- - -	29,626 - -	2,301 - -	3,094 - -	25,377 8 3	4,21,797 5 9
28	1254	1847	1,44,596 15 3	1,12,008 1 3	10,000 - -	600 - -	1,00,000 - -	3,625 8 -	426 - -	- - -	31,026 - -	2,451 - -	3,344 - -	25,020 14 6	4,33,098 7 -
29	1255	1848	- - -	1,11,325 6 6	10,000 - -	600 - -	1,00,000 - -	3,725 8 -	426 - -	15,992 - -	31,825 - -	2,526 - -	3,469 - -	25,001 - -	—
30	1256	1849	- - -	1,07,901 13 9	10,000 - -	600 - -	1,00,000 - -	2,664 8 6	550 - -	14,508 6 -	32,625 - -	2,601 - -	3,594 - -	27,501 - -	—
31	1257	1850	- - -	1,08,489 12 6	10,000 - -	600 - -	1,00,000 - -	2,431 1 9	620 - -	14,858 6 -	25,746 - -	2,580 8 -	2,761 - -	29,700 - -	—
32	1258	1851	- - -	1,13,162 9 6	10,000 - -	600 - -	1,00,000 - -	2,752 12 9	685 - -	15,208 6 -	26,446 - -	2,663 8 -	2,861 - -	26,337 - -	—
33	1259	1852	- - -	1,09,275 2 9	10,000 - -	600 - -	1,00,000 - -	3,214 - -	745 - -	15,558 6 -	27,121 - -	2,738 8 -	2,961 - -	27,137 - -	—
34	1260	1853	- - -	1,19,181 10 -	10,000 - -	600 - -	1,00,000 - -	3,326 13 -	785 - -	15,908 6 -	27,771 - -	2,813 8 -	3,061 - -	28,088 - -	—
35	1261	1854	- - -	- - -	10,000 - -	600 - -	1,00,000 - -	- - -	815 - -	15,196 6 -	28,197 - -	2,863 8 -	3,136 - -	28,401 - -	—
36	1262	1855	- - -	- - -	10,000 - -	600 - -	1,00,000 - -	3,229 - -	840 - -	16,209 6 -	29,167 6 -	2,528 9 6	3,298 4 6	29,008 - -	—
37	1263	1856	- - -	- - -	10,000 - -	600 - -	1,00,000 - -	3,279 - -	692 5 6	16,429 6 -	29,527 4 9	2,639 3 6	3,363 - 9	27,011 6 -	—
	1264	1857	- - -	- - -	10,000 - -	600 - -	1,00,000 - -	3,374 - -	- - -	16,649 6 -	- - -	- - -	- - -	25,998 - -	—

(signed) *W. G. Cumming,*
Bheel Agent and Pol. Asst., A. G. G.

(B.)

PERGUNNAHS.	Fuslee Year 1255. A. D. 1848.	Fuslee Year 1256, A. D. 1849.	Fuslee Year 1257, A. D. 1850.	Fuslee Year 1258, A. D, 1851.	Fuslee Year 1259, A. D. 1852.	Fuslee Year 1260, A. D. 1853.	Fuslee Year 1261, A. D. 1854.	Fuslee Year 1262, A. D. 1855.	Fuslee Year 1263, A. D. 1856.	Fuslee Year 1264, A. D. 1857.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Dhar	1,51,843 8 6	1,54,461 8 6	1,75,404 12 6	1,70,004 3 –	1,59,149 7 –	1,65,417 6 6	1,65,704 13 6	1,62,404 4 3	1,59,516 1 9	1,58,767 6 3
Budnawur	1,11,325 6 6	1,07,901 13 9	1,08,489 12 6	1,13,162 9 6	1,09,275 2 9	1,19,181 10 –	1,09,669 7 3	1,11,855 2 6	1,09,135 4 –	1,07,615 15 6
Tanka of Ali Rajpoor	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –	10,000 – –
Tanka of Airwas	600 – –	600 – –	600 – –	600 – –	600 – –	600 – –	600 – –	600 – –	600 – –	600 – –
Tauka of Bairseeah	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –	1,00,000 – –
Neemunpoor	3,725 8 –	2,664 8 6	2,431 1 9	2,752 12 9	3,214 – –	3,326 13 –	2,094 – –	3,229 – –	3,279 – –	3,374 – –
Jehangirpoor	426 – –	550 – –	620 – –	685 – –	745 – –	785 – –	815 – –	840 – –	692 5 6	1,220 10 9
Nalcha	15,992 – –	14,508 6 –	14,858 6 –	15,208 6 –	15,558 6 –	15,908 6 –	15,196 6 –	16,209 6 –	16,429 6 –	16,649 6 –
Dhurmpoorie	31,825 – –	32,625 – –	25,746 – –	26,446 – –	27,121 – –	27,771 – –	28,197 – –	29,167 6 –	29,527 4 9	30,170 14 –
Bulker	2,526 – –	2,601 – –	2,588 8 –	2,663 8 –	2,738 8 –	2,813 8 –	2,863 8 –	2,528 9 6	2,639 3 6	2,718 2 6
Sooltanabad	3,469 – –	3,594 – –	2,761 – –	2,861 – –	2,961 – –	3,061 – –	3,136 – –	3,298 4 6	3,363 – 6	3,588 10 6
Kooksee	25,001 – –	27,501 – –	29,070 – –	26,337 – –	27,037 – –	28,008 – –	28,401 – –	29,008 – –	27,011 6 –	25,998 – –
TOTAL – – – *Rs.*	4,56,733 7 –	4,57,007 4 9	4,73,199 8 9	4,70,720 7 3	4,58,399 7 9	4,76,872 11 6	4,66,677 2 9	4,72,140 – 9	4,65,193 – –	4,40,703 1 6

(signed) *W. G. Cumming,*
Bheel Agent and Pol. Asst., A. G. G.

(C.)

MOTEE Khasgee Income since 1829, and Chotee, for 1858, 1859.

YEARS.	Income of Motee Khasgee.	Income of Chotee Khasgee.	Total Income of both Khasgees for 1858, 1859.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*
1829	20,314 11 9	—	—
1830	23,116 6 6	—	—
1831	25,573 11 —	—	—
1832	23,248 5 —	—	—
1833	26,475 11 3	—	—
1834	29,259 2 —	—	—
1835	26,630 — 6	—	—
1836	27,169 3 6	—	—
1837	27,012 8 9	—	—
1838	25,758 9 6	—	—
1839	23,317 14 9	—	—
1840	17,959 14 —	—	—
1841	20,306 11 3	—	—
1842	20,739 10 —	—	—
1843	21,765 4 —	—	—
1844	21,649 1 9	—	—
1845	16,363 3 —	—	—
1846	23,517 6 6	—	—
1847	20,012 7 —	—	—
1848	26,582 3 —	—	—
1849	20,398 15 9	—	—
1850	25,612 11 9	—	—
1851	25,991 2 —	—	—
1852	21,844 15 —	—	—
1853	29,440 13 —	—	—
1854	22,881 3 3	—	—
1855	25,812 5 9	—	—
1856	28,149 5 6	—	—
1857	26,147 12 9	—	—
1858	27,049 7 9	18,187 12 3	45,237 3 3
1859	29,442 8 —	18,962 8 6	48,405 — 6

(signed) *W. G. Cumming,*
Bheel Agent, and Pol. Asst. A. G. G.

(D.)

	Income of Maunpore and Bharoolpoora Road Dues since									
	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	
Maunpoor Road - -	6,889 8 6	7,325 7 7	4,907 2 6	9,473 15 4	7,873 14 10	8,377 7 10	10,099 11 9	15,174 11 5	2,951 11 8	—
Bharoolpoora Road - -	1,478 – –	2,400 – –	3,000 – –	3,300 – –	4,181 2 –	4,480 4 –	7,392 9 6	2,091 5 –	—	—
TOTAL - - -	8,367 8 6	9,745 7 7	7,907 2 6	12,773 15 4	12,055 – 10	12,857 11 10	17,492 5 3	17,266 – 5	2,951 11 8	—

(signed) *W. Gordon Cumming*,
Bheel Agent, and Political Assistant, A. G. G.

RETURN of Khalsa and Farmed Villages of the *Dhar* State.

No.	NAMES of PURGUNNAH.	Temple and Dhurmada.	In Inam.	Perpetual, with Tribute.	Desolate.	In Khalsa.	In Lease.	Lease will expire on the undermentioned Fuslee Year.									TOTAL of Villages.
								1267. (A. D. 1860.)	1268.	1269.	1270.	1271.	1272.	1273.	1274.	1275.	
1	Dhar - - - -	11	4	7	22	29	106	12	27	66	1	–	–	–	–	–	179
2	Budnawar - - -	- - -	4	103	19	4	17	1	6	6	4	–	–	–	–	–	147
3	Dhurumpooree - -	6	8	18	27	35	128	3	77	7	4	4	1	26	5	1	222
4	Nalcha, including Mandoo	1	4	7	22	8	15	6	6	3	–	–	–	–	–	–	57
5	Kooksee - - - -	- -	1	- -	4	- -	71	- -	71	–	–	–	–	–	–	–	76
6	Neemunpoor - -	- -	- -	12	156	12	- -	- -	–	–	–	–	–	–	–	–	180
7	Jehangirpoor - -	- -	- -	23	- -	- -	3	- -	3	3	–	–	–	–	–	–	26
	TOTAL - - -	18	21	170	250	88	340	22	187	85	9	4	1	26	5	1	887

(signed) *W. G. Cumming*,
Bheel Agent, and Political Assistant, A. G. G.

(No. 757.)

From the Under Secretary to the Government of India with the Governor General, to the Agent to the Governor General for Central India; dated Camp Sealkote, 2d March 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 18, dated the 9th ultimo, submitting a copy of a report by Captain Cumming on the revenues of the Dhar State, and in reply to inform you that his Excellency the Governor General approves of the instructions which you have issued to Captain Cumming.

I have, &c.,
(signed) *C. U. Aitchison*,
Under Secretary to the Government of India.

(No. 99.)

From Colonel Sir *R. Shakespear*, Knt., Agent Governor General for Central India, to *Cecil Beadon*, Esq., Secretary to the Government of India with the Governor General, Foreign Department; dated Indore Residency, 28th March 1860.

Sir,

I HAVE the honour to request that you will lay before his Excellency the following circumstances:—

2. Sir Robert Hamilton, in his letter to your office, dated 5th March 1858, and No. 70 in paragraph 9, referred to the Fortress of Dhar, and stated that Captain Hutchinson was opposed to its demolition, on the grounds that there ought to be a secure place for the residence of the officers, and the treasury.

2. In the reply of your office, No. 1454, of date 28th May 1858, at paragraph 7, a positive order is conveyed for the immediate demolition of all the defences of the fort.

3. I regret to say that this order has never been carried out. There is nothing on record to explain the cause, but I conclude that the appearance of Tantia Topee at Gwalior, shortly after the orders of Government were received, and the excitement caused by his rapid marches and frequent visits to the vicinity of Malwa, must have been the cause of the order above quoted not having been executed; for I find that the native officer in charge of Dhar built up the breach which our own troops had made, when one of Tantia's columns approached Dhar.

4. As so great a delay has occurred, I think I ought to take the orders of Government before destroying the fortifications.

I have, &c.
(signed) *R. Shakespear*,
Agent to the Governor General for Central India.

(No. 152.)

From Colonel Sir *R. Shakespear*, Knt., Agent to the Governor General for Central India, to *C. Beadon*, Esq., Secretary to the Government of India with the Governor General, Foreign Department; dated Indore Residency, 21st April 1860.

Sir,

THE proceedings in Parliament relating to Dhar, which were received by the last mail, appear to render it necessary that I should bring to the notice of his Excellency how very greatly the British Government has suffered, and the Dhar State benefited, from the arrangement by which we became bound to pay one lac rupees a year for the revenues of Bairseeah.

2. I hope in a few days to forward details, but by the best information which I have yet obtained, it would appear that, after deducting expenditure, we have only realised from the revenues of Bairseeah at the rate of *Co.'s Rs.* 58,946. 11. 2½. per annum.

3. As it is probable that orders may be issued consequent to the proceedings in Parliament which were received by the last mail, I have thought it my duty to forward to you a telegram, of which I have now the honour to forward a copy.

I have, &c.
(signed) *R. Shakespear*,
Agent to the Governor General for Central India.

From Indore to Simla.

From Sir *R. Shakspear* to *C. Beadon*, Esq., 20 April 1860.

Our payments to the Dhar State on account of Bairsiah were one lac a year. During the last ten years the receipts, after deducting expenditure, have been under 60,000 rupees a year.

(No. 1696.)

From *Cecil Beadon*, Esq., Secretary to the Government of India with the Governor General, to Colonel Sir *R. Shakespear*, Knt., Agent to the Governor General for Central India; dated Simla, 7th May 1860.

Sir,

The Governor General has been in communication with Her Majesty's Government regarding the native State of Dhar, which, in consequence of the hostile proceedings of the durbar, and the infraction of its treaty engagements, was declared, by order of the Governor General in Council, No. 4878, dated the 7th December 1857, to be at the disposal of the British Government, and placed under the administration of one of its officers.

2. I am now desired by his Excellency to communicate to you the following portions of a Despatch from the Right Honourable the Secretary of State, dated the 14th February last:—

"Her Majesty's Government concur with you in deeming the conduct of the durbar and troops of this principality, and especially the time and manner of the introduction into the Fort of Dhar of Makranee and Velaitee soldiers of known hostile disposition to the British Government, to have warranted the severe measures you adopted. Her Majesty's Government further admits the force of the arguments you have adduced in favour of holding the head of a state responsible, to the fullest extent, for the actions and conduct of its durbar and establishments.

"But entertaining these views, Her Majesty's Government still consider that the question of enforcing a confiscation, justly incurred, is always one of expediency, and in this case they are disposed to adhere to the considerations urged in the 9th paragraph* of the letter of the Court of Directors, dated 22d June 1858, in

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* "9. The attachment which you have ordered may for the present be continued, but we can only regard it as a temporary arrangement, the duration of which will depend upon the information which you may subsequently acquire regarding the persons concerned in the instigation of the outrages committed by the foreign levies. If it should appear on investigation that any of the persons constituting the durbar, that is, any members of the young Raja's family, or any of the chief public servants of the state, have taken part in, or instigated, acts hostile to the British Government (and we perceive that some such persons have been sent prisoners under strong suspicion to Mhow), it is right that they should be subjected to exemplary punishment. But we are of opinion that, in consideration of the youth and apparent innocence of the young Raja, and of the good conduct of his predecessor in this ancient principality, you may justly and expediently make such arrangements for the future government of Dhar as will not permanently deprive him of the inheritance upon which by the favour of your Government he had so recently entered, and with such fair prospects of a peaceful and prosperous reign."

in which Her Majesty's Government have expressed their full concurrence in Lord Stanley's Despatch, dated 1st March (No. 8) 1859.

"They are of opinion that it cannot fail to redound to the credit of British administration if, notwithstanding the misconduct of the durbar and troops, a merciful consideration were given to the claim arising from the youth and apparent innocence of the young Raja himself, and from the uniform good conduct of his predecessor in this ancient Rajpoot principality; and that by making such arrangements for the future government of Dhar as will not permanently deprive him of the inheritance upon which, by the favour of the British Government, he had so recently entered, the feelings and sense of justice of the people and princes of India will be better consulted than by enforcing the confiscation, and transferring the territory to a Mahratta state.

"After a full consideration, therefore, of all the circumstances, Her Majesty's Government have resolved to extend mercy to the young Rajah, and to direct his restoration to the title and position he inherited as head of the principality of Dhar; reserving, however, the administration of the territory of the state in the hands of British officers until he shall reach the age of 18 years, if he shall then be reported qualified to undertake it.

"Her Majesty's Government, however, while it has decided to forego the extreme penalty of the confiscation of the state, consider that it is not right nor expedient that the principality of Dhar should wholly escape all penalties for the misconduct of those who directed its counsels and forces during the late events.

"For some years past the Government of India has, for the sake of the tranquillity of the country, administered Bairseeah, an outlying pergunnah of Dhar, and had paid annually to the ruler of Dhar a lack of rupees; a sum considerably exceeding the revenues of the pergunnah. Her Majesty's Government direct that the payment of this sum shall cease; that the rights of the Raja of Dhar to this pergunnah shall be considered as forfeited, and that it shall be at the disposal of the Governor General, for such purposes as he may be pleased to direct."

3. Such being the decision of Her Majesty's Government, I am directed to request that you will communicate the same to the young Raja, and to the Rance, informing them that, from the 1st of May 1860, the Dhar territory, with the exception of pergunnah Bairseeah, will be administered by the British Government for the benefit of the Rajah until he is 18 years of age, when the question of transferring the government of the state to his Highness will be taken into consideration. You will also inform them that the Raja, on coming of age, will, as chief of the Dhar State, receive from the British Government the same honours that were paid to him before the unfortunate events which led to his deposition.

4. The Governor General trusts that the generosity of Her Majesty's Government in restoring to the Rajah the chief portion of his dominions, no less than the heavy retribution which has befallen the state in consequence of its disloyalty, will be deeply pondered by his Highness, and by all who are interested in the prosperity of the Dhar family; and that, on the complete restoration of the native government, his Highness and his advisers, convinced both of the sincere desire of the British Government to maintain the rights and dignity of its faithful allies and feudatories, and of its power and determination to punish those who break their allegiance, or fail to perform the obligations by which they are bound to the paramount power, will consistently pursue the policy of the late Raja, and maintain the relations of confidence and friendship which so long existed.

5. The Governor General does not propose to enter into a fresh treaty with Dhar in place of that which has been broken. The state will be held in sovereignty by the Rajah and his successors as a free gift from the British Government, subject only to the condition of loyalty and good service, and to such further stipulations with a view to the general tranquillity of Western Malwa as may hereafter be imposed.

6. From the report submitted with your letter, No. 18, dated the 9th February last, it would appear that the gross revenue of the Dhar State, exclusive of pergunnah Bairseeah, but including the tribute of Airwas and Alli Rajpore, and the collections on the Manupore and Bharoolpoora roads, is 4,33,338 rupees; of the expenditure nothing is known to the Government.

7. The Governor General desires that you will, as soon as possible, submit your views as to the mode in which the state should be administered from the commencement of the present official year, until it shall be finally made over to the young Rajah, after he has completed his 18th year. His Excellency is inclined to think that the duty of superintending the administration is of sufficient importance to require the exclusive attention of one British officer, and that his salary may reasonably be fixed at 1,000 rupees a month, payable out of the Dhar revenues. The scale of civil and military establishments must be fixed with due regard to the resources of the state, and after providing for the cost of these establishments, and for necessary contingent charges, as well as for suitable allowances to the Rajah, his relations and dependents, the annual surplus will accumulate for the benefit of the state.

8. The allowances to the Rajah and his family will now have to be regulated with reference to their altered position and expectations, and, without being extravagant, should be considerably more than those at present authorised.

9. The military expenditure of the state should be limited to the amount absolutely required for the maintenance of order within the state itself, and as a fair contribution towards the general preservation of tranquillity throughout Western Malwa. The Governor General desires to know what, in your opinion, is the amount and description of force which should be entertained by Dhar, and what amount it may fairly be called upon to contribute to the expense of the general measures adopted by the British Government for the protection of the country.

10. His Excellency confidently expects that, after providing liberally for all these objects, the revenues of the state, economically managed, will be found to yield a surplus; and though it is neither necessary nor desirable that the present well being of the state should be sacrificed to the object of accumulating treasure for the Raja's future benefit, yet it is his Excellency's wish that his Highness, on succeeding to the government, should find himself in possession of a sum of money sufficient to meet the first expenses of his government, and to relieve him from all excuse for involving the state in pecuniary embarrassment.

11. With reference to my letter, No. 715, dated the 17th December last, I am desired to request that the Bairseeah compensation, from the date of the confiscation of the Dhar state, may be carried to the credit of the British Government; and that for the present, until further orders, the purgunnah may be administered as a British possession.

12. I am directed to take this opportunity of acknowledging your letter, No. 99, dated the 28th March, from which the Governor General learns, for the first time, that nothing has been done towards carrying out the positive orders issued nearly two years ago for the demolition of the defences of the Fort of Dhar. Before repeating those orders, his Excellency wishes to know whether, as the breach has been repaired, and as the fort will remain for some years in our possession, you consider it advisable to make use of it as a place of strength, or to render it at once, as was intended, incapable of defence.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

(No. 207.)

From Colonel Sir *R. Shakespear*, Knt., Agent Governor General for Central India, to *Cecil Beadon*, Esq., Secretary to the Government of India, Foreign Department, Fort William; dated Indore Residency, 22d May 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1696, of date 7th instant, and to report my arrival at Dhar yesterday, for the purpose of explaining to the young Rajah, and to the Ranee, the final orders of Government.

2. I beg

2. I beg to forward copy of a paper which I drew up before the interview, and from which I quoted when explaining the instructions of Government.

3. By my desire the young Rajah, with some of the members of the family, and the old officers of the state, about 15 in number, attended at my quarters. Captain Jenkins, officiating Bheel agent; Dr. Gane, in medical charge of the Bheel corps; Mr. Brackman, deputy opium agent; and Captain Aitkin, Bombay Artillery, were present.

4. I translated the paper, and carefully explained its contents to the Rajah and his officers; after which, a Persian translation, which I had also prepared, was read out by Moonshee Suroop Narain.

5. The anxiety of the people who accompanied the Rajah was intense, and it took some time, and many repetitions, before they realised the nature of the orders which I was conveying to them; but it was very evident that they received them with great delight, and appeared to be relieved of a weight of anxiety.

6. After pointing out that the British Government had, in Sir J. Malcolm's time, raised the State of Dhar from utter ruin to prosperity, and the promptitude and cordiality with which the adoption of the present Rajah had been recognised, I dwelt on the ingratitude of the durbar in having countenanced our enemies during our trials in 1857.

I then gave the Raja the Persian translation of my paper, bearing my seal and signature, which I desired him to take to the Ranee.

7. In the evening I visited the palace, and had an interview with the Ranee.

After ascertaining that this lady understood the orders of Government, I made inquiries as to the expenses of herself and the palace subsequent to the annexation.

8. I have already reported that the Ranee has throughout abstained from taking the allowance of 3,000 rupees a month, which had been set aside for the expenses of the family, and I was very anxious to learn how the expenditure had been covered during the 27 months subsequent to the annexation.

The Ranee informed me that, receiving no income, she had been compelled to raise money by loans, and that the total amount of them would be about two lacs of rupees.

I urged the necessity of giving me full and minute details, both as to the expenditure during the 27 months, and as to what establishments were kept up for the palace during the time of the late Rajah, in order that I might be able to propose to Government a certain fixed sum to be set aside for the palace expenditure. I remarked that I should like to have that expenditure under the management of the Ranee herself during the minority; but that the orders of Government were explicit as to the income and expenditure of the state, which are to remain under the sole management of the British officer who may be appointed to the charge.

9. The Ranee made some demur to the latter arrangement, but I replied that the orders of Government were clear, and must be carried out.

10. On making inquiries, I learnt that no negotiation has been entered on as to the marriage of the young Rajah, and I pointed out that to meet the expenditure on that occasion, and also to have funds ready for the Rajah on his attaining his majority, it would be necessary to exercise strict and careful economy. The Ranee's anxiety, after ascertaining that the administration of the country would not be left with her, appeared to be to obtain the sole control over the 14 Khasgee villages, which used to be set aside for the personal and family expenses of the Rajah. These are referred to in para. 5 of my letter, No. 18, of date 9th February last, and full details are given in its enclosed report from Captain Cumming, under the headings "Dhar Pergunnah," and "Khasgee," and the enclosure marked C.

11. From a reference to those papers it will be seen that the Khasgee villages are 14 in number, and are divided into two shares: one, known as Motee Khasgee, has only six villages, and this grant appears to have existed uninterruptedly since 1829; its revenues have varied from 16,363 up to 29,440.

The Chotee Khasgee consists of eight villages. No record of its origin or account of its income is given by Captain Cumming, except for the years 1858–59, but its average income would appear to be about 18,400 rupees.

The total income of the two Khasgees would appear to be about 41,000 rupees, and this sum the Ranee wishes to consider as set apart for the female establishment of the palace; for she particularly mentioned that the Rajah's expenses were not defrayed from the Khasgee.

12. I told her that until I had seen the whole of the accounts, both during the late Rajah's time and subsequently, it was quite impossible for me to decide what sum should be set apart for the expenditure of the palace, or any other department; but all I could at the present time say, was, that such an arrangement would be made as would ensure the expenditure coming within the income, and that the lady might depend upon my consulting her wishes as far as could be done consistently with maintaining the above primary object.

13. The Ranee spoke in strong terms of her gratification at the final orders which have been passed by Government, and, after taking my leave of her, I returned to the public durbar.

14. Both going to the palace and returning it was very obvious that the orders of Government had caused great satisfaction amongst all grades of the people. The city was illuminated; the Ranee sent fireworks to my quarters, and particularly requested that I would allow a Royal salute to be fired from the fort, in honour of the orders of his Excellency the Governor General.

15. I was particularly desired to visit the palace again this morning, and had another long audience with the Ranee. Her object was evidently to endeavour to get the administration into her own hands; and, failing in that, she urgently requested that the old hereditary officers of the state might be employed in the management. She mentioned some of them as having been faithful throughout, but spoke bitterly of the conduct of others, particularly the kamavisdar of Dhar, whom she averred had often said, that so far from the Rajah having any chance of getting the guddee (throne), he had no chance of getting even a gudda (donkey).

16. In the present state of matters, it was obviously inconvenient for me to be drawn into any discussion as to the future details of the administration, and all I could say to the Ranee was, that a British officer was to be appointed by the Government to conduct the administration, and that his arrangements would be based upon a desire to manage the estate for the good of the Rajah during the minority, and in such a way as to render its transfer to his Highness possible, without inconvenience or change of officers.

17. I again turned the subject upon the Rajah's marriage, and found the inclination was to select a bride for him from the Guicowar's or Scindiah's houses. Holkar's is inadmissible, being of too low a caste.

18. With reference to paragraph 3 of your letter, I conclude that the 1st May has been selected as being the commencement of our own official year; but I beg to observe, that to apply it to the native state will occasion great inconvenience and serious confusion in the accounts, for the revenue year in the durbar's accounts does not end until the 5th June, and if the 1st May is fixed on, one of the kists of the year will not have been realized.

19. I have considered it proper to carry out literally the instructions of Government, and have, in my communications with the durbar, mentioned the 1st instant as the date from which the revenues of the state, minus pergunnah Bairiseeah, are to be administered by us for the benefit of the young Rajah during the minority; but I would beg to suggest, for the above reasons, that the 5th June would be a very much more convenient date to fix upon.

20. I beg I may be favoured with orders on the following points connected with the administration of the Dhar State during the period subsequent to its annexation by the British Government:

1st. Am I still to consider the allowances for the expenditure of the family as limited during that period to 3,000 rupees a month?

2d. During

2d. During that period is the surplus revenue confiscated to the British Government, or is it to be considered the property of the native state?

21. I find that, by Sir Robert Hamilton's order, Mir Shahamut Ali assumed charge of the possessions of Dhar on 14th February 1858. At that time he found in the Government treasury a sum of *Rs.* 80,668. 6. and, including that item, the total receipts, up to the 20th instant, from all sources of revenue, not including Bairseeah, amount to nine lacs sixty-one thousand three hundred and forty-three rupees, eleven annas, and five pies. The expenditure under all headings has, during the above-mentioned period, amounted to five lacs seventy-one thousand four hundred and twenty-four rupees, fourteen annas, and four and a half pies. There is thus a surplus, on the 20th instant, of three lacs eighty-nine thousand nine hundred and eighteen rupees, thirteen annas, and one pie, but this surplus will be very largely increased when the year's accounts are closed, on the 5th proximo.

Rs. 9,61,343. 11. 5.

Rs. 5,71,424. 14. 4½.

Rs. 3,89,918. 13. 1.

22. It will be noticed that among the receipts there is entered a sum of above eighty thousand rupees, which was found in the treasury; but in the expenditure are entered the two items in the margin, for nine and a half months' arrears of pay to durbar troops and establishment, and payment of debts due by the state: these two items amount to one lac, and twenty two thousand five hundred and four rupees, ten annas; there are also other items of expenditure unconnected with the period of annexation.

Rs. 80,000.

Rs. 92,465. 0. 3.

Rs. 30,039. 9. 9.

Rs 1,22,504. 10.

The enclosed statement is not sent as a formal account; it will require to be prepared in quite a different form before it can be fit to be submitted to Government as "An account of the revenue and expenditure of the Dhar State;" but it is the nearest approximation to a correct estimate of revenue and expenditure during the period of annexation which it is in my power to submit, so shortly after having received the orders of Government. My object in sending it is to show that, after meeting all expenditure, and without including pergunnah Bairseeah, we have a surplus of between three and four lacs of rupees, and regarding it I beg I may be favoured with orders.

23. If it is intended to mulct the Dhar State, as a war charge, to the amount of the whole surplus during the period of annexation, then, in that case, it will be necessary to consider that we commence our new administration for the young Rajah with a debt equal to the sums borrowed by the Ranee from the date of annexation up to the present time.

The lady herself estimates this amount at two lacs of rupees. I fear it will be found to exceed that sum, but if the state is to be saddled with it, the expenditure must be regulated to meet that demand; whereas if the surplus receipts during the period of annexation are to be credited to the Rajah, we shall start our new administration on his account with a considerable balance in its favour.

24. I think it but just to Captain Cumming and to myself to say, with reference to the debt which the Ranee has contracted, that we have found our position as regards that lady to be most difficult and delicate.

It is close upon one year since Holkar's vakeel sent me the Blue Book containing Lord Stanley's orders regarding the restoration of Dhar; and after such a paper had come to the knowledge of the Ranee and the Dhar officers, it was obviously more inconvenient for either Captain Cumming or myself to urge the Ranee to reduce her expenditure within the allowance of 3,000 rupees a month. The utmost we could do, in reply to their repeated appeals and entreaties for restoration of the state, was to reply that the orders of Government were, that 3,000 rupees a month was the allowance for the family.

25. There is another point to which I wish to draw particular attention; it is the age of the Rajah.

The Ranee has sent me the original junum puttree, *i.e.*, the astrological scheme of nativity of the boy. By this paper it appears that he was born on Chaet Budee Chut Sumbut 1901, which is equivalent to Monday, the 8th April 1844; he is therefore now 16 years and nearly two months of age, and will

reach his 18th year in about 22 months from this time. He is very short of stature, and his personal appearance is painfully unfortunate; the head and features are those of a grown-up man, but the figure is that of a child of 12 years of age; the expression of the face is, I think, peculiarly amiable, and I am very favourably impressed as to the disposition of the boy. I like very much his manner with the people about him, and his conduct at the durbar, and at the Ranee's purdah; he is certainly not deficient in intelligence, and I am told that he is very studious. His marriage ought to take place during the present year, and I conclude that that will involve a considerable outlay.

26. I was much pleased at the Ranee very urgently requesting me to provide funds for a monument in honour of her late husband, and I readily replied that a certain sum should be set apart yearly for that purpose.

27. In paragraph 7 of your letter, I am directed to submit as speedily as possible my views as to the mode in which the estate should be administered from the commencement of the present official year, until it shall be finally made over to the young Rajah after he has completed his 18th year.

In paragraph 3 the expression used is, until he is 18 years of age.

In addressing the Rajah, I used the expression "Until you are 18 years of age."

I beg to suggest that this point be cleared up and plainly settled. Is the transfer to commence with the Rajah's 18th year, or with its completion?

28. Government has decided on appointing a British officer on 1,000 rupees per mensem (payable out of the Dhar revenues), solely for the management of the Dhar territories. I should like much to consult with the officer who may be selected, before submitting a detailed proposition for the different establishments.

29. The whole of our present yearly expenditure, under all the headings, and including 20,000 rupees to the Malwa Bheel Corps, amounts to two lacs and six thousand five hundred and twenty-one rupees, eight annas and five pies, as will appear by the enclosed abstract. Rs.2,06,521. 8. 5.

30. But we have worked during the period of annexation with people of our own, and we must in future endeavour to find efficient officers from the old hereditary servants of the estate.

31. Their grants of land and perquisites will considerably exceed our own payments for the administration; they will also, doubtless, be less efficient than the men we have employed, but with an able British officer to superintend I am very sanguine of success. If Captain Wood, Deputy Commissioner, 1st class, Hosungabad district, was available, I should feel perfect confidence in his ability and judgment, but I am not certain as to being able to obtain his services. Everything will depend upon the qualifications of the officer. He will have a delicate and difficult duty to perform.

32. With reference to the Fort of Dhar, I beg to say, that I think it is deeply to be regretted, that the corner bastions were not destroyed immediately after the capture of the place.

Our authority had been so openly defied there, that its immediate destruction would have had the best effect.

But from the time that Tantia Topey took Gwalior, up to his arrest and execution, we were obliged to use the fort as a stronghold for treasure, gaol, &c. and we still require it for those purposes.

It is an oblong of about 150 yards in length by 100 in breadth. It stands upon an eminence of about 30 feet, and its walls rise about 30 feet above that eminence. There is no ditch, and nearly all the bastions are hollow, the masonry being of so loose a nature as to crumble under the effect of artillery.

On the south-western corner there is a high bank of earth, forming a natural parallel

parallel, with perfect shelter and within 250 yards of the place. Our batteries were formed on this bank. The parapet was destroyed when the fort was taken, and has never since been replaced.

The breach which was made by our guns has been built up by a thin rubble wall, which would crumble under the fire of nine-pounders.

33. From an examination of the place, I should hardly dignify it by the term fort; it is an excellent stronghold in the event of plundering bodies of cavalry and irregular infantry infesting the country, but it never could hold out against a brigade that was accompanied by siege guns.

34. I would not advocate its destruction now. I think it would be sufficient, under all the circumstances, if we positively prohibited any addition to the works or any repair to the breach beyond that which at present exists.

I have, &c.
(signed) *R. C. Shakespear,*
Agent Govr.-General for Central India.

Enclosure, No. 1.

ADDRESS of Colonel Sir *R. Shakespear,* Knight, Agent Governor General for Central India, to the Rajah of Dhar, on 21st May 1860.

Rajah Sahib,

THE final orders of Her Majesty's Government have reached his Excellency the Governor General of India, and I have been directed by his Lordship to communicate them to you and to the Baee Sahib; they are as follows:

Pergunnah Bairseeah is lost to your house for ever, as a penalty for the conduct of the durbar and troops of your raj, and especially for their having introduced into the fort of Dhar Mukrarnee and Velaitee soldiers of known hostile disposition to the British Government.

That the conduct of the Dhar durbar warranted the confiscation of the whole estate, but taking into consideration the fidelity of the late Rajah and your own youth, the British Government will not enforce the extreme penalty, and with the exception of pergunnah Bairseeah, the whole of the remaining possessions in land, rank, perquisites, and rights are restored to you, from the 1st of May 1860.

Until you are 18 years of age they will be managed by a British officer for you. After you are 18 years of age, if you are equal to the charge, the management will be made over to you; I am directed also to inform you that after you arrive at 18 years of age, you will receive the same honours as were paid to your ancestors.

(signed) *R. C. Shakespear,*
Agent Govr.-General for Central India.

Enclosure, No. 2.

ACCOUNT of Income and Expenditure of the Dhar State from 14th February 1858 to 20th May 1860.

RECEIPTS.	Amount.	Total.	DISBURSEMENTS.	ount.	Total.
	Rs. a. p.	*Rs. a. p.*		*Rs. a. p.*	*Rs. a. p.*
Cash balance on the 14th February 1858	- - -	80,668 6 -	Amount paid on account of superintendent's establishment, including adawlut and kotewallee	21,231 8 3	
Receipts from Mahals, from 14th February 1858 to 20th May 1860	6,20,419 9 1		Amount paid for Bhopuwur levy	1,18,713 13 -	
Janka	26,866 10 8		Contribution to Malwa Bheel corps	43,265 3 8	
Opium dues	5,383 7 -		Pay of the state troops	1,93,030 12 9	3,76,241 5 8
Share of Dhar for road dues from Maunpore, from 14th February 1858 to 20th May 1860	28,226 6 10		To Cheeklee Chowkee, as per order from Bheel agent and political assistant	- - -	720 - -
Fine, fees, and nuzzreanah	4,944 11 9		Paid on account of hire for carts sent for troops to Indore, as per order from Bheel agent and political assistant	103 - -	
Sale of public horses	6,175 11 -		Paid hire for the remittance of treasury to Indore	30 12 -	133 12 -
Sale of houses by auction, of the rebel villaseties	470 2 -		Cost for making two new rowtees	- - -	155 5 6
Discount of moneys	54 11 -		Paid to camel's and elephant's driver, including food, fodder, &c.	- - -	6,669 7 3
Sale of grass of meadow	18 10 9		Paid to Sirdar Mahomed Jamadar, &c.	2,107 1 9	
Sale of grain from Dhar fort	1,572 1 6		Paid to Lall Chund Tudwee	460 - -	
Recovery of old debts	52,340 3 6	7,46,472 5 4	Paid to opium establishment	8,293 7 -	
Confiscated jahageer and khasgee	1,22,406 13 9		Paid to khansama of travellers' bungalow	91 - -	10,951 8 9
Amanut funds	11,316 - 7	1,33,722 14 4	Paid to pensioner Anchectrao Powar and widow of the late Brigloll Jamadar	- - -	5,470 8 -
Miscellaneous	- -	480 2 -	Annual charitable expenditure	- - -	7,813 14 6
			Pay of gaoler and burkundazes, and including the food for the prisoners	4,298 10 6½	
			Pay of madrassa or schools	2,067 12 7	
			Pay of gardeners of Motee bag	414 - -	
			Stationery	1,475 3 -	
			Dhar dispensary	668 5 2	8,923 15 3
			Paid to Moona Loll and other jamadars of Jahangeerpore and Dhurumpore for their shares of Maunpore road dues	5,196 10 7	
			Purchase of ammunition and repairing magazine	2,244 12 8	
			For making urdee for the use of chuprassies	238 4 6	
			Purchase of grain for supplying the fort	3,145 12 6	
			Paid to the arrears of pay due to the troops and establishment for nine and a half months	92,465 - 3	
			Payment of state debts	30,039 9 9	1,33,330 2 3
			Paid to the construction of the Sirdarpore cantonment	6,000 - -	
			Paid to Ram Chunder, surveyor attached to the Quartermaster General	169 - -	6,169 - -
			Cash remitted to Indore treasury for deposit	- - -	3,08,819 - -
			Buildings:		
			Amkhas, Boda, Kaneh Mehal, and travellers' bungalow, &c.	14,325 4 6	
			Miscellaneous Expenses	520 10 8	14,845 15 2
					8,30,243 14 4
			Cash balance in the treasury	- - -	81,099 13 1
	Total *Rs.*	9,61,343 11 8	Total *Rs.*	- - -	9,61,343 11 5

(signed) *Junber Lall*, Manager.

Enclosure, No. 3.

LIST of Estimated Pay issued from Dhar Treasury.

Names of Department.	Monthly Pay.	Yearly.	Total.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*
Superintendent's office	737 – –	8,844 – –	
Adawlut	122 – –	1,464 – –	
Kotewallee	44 – –	528 – –	
Madrassa	83 – –	996 – –	
Opium establishment	300 – –	3,600 – –	
Jail khuna	150 – –	1,800 – –	
Dhar troops	6,000 – –	72,000 – –	
Late Bhopawur levy	4,000 – –	48,000 – –	
Aucheet Rao, pensioner	200 – –	2,400 – –	
Late Brigloll Jamadar's widow	10 – –	120 – –	
			1,39,752 – –
Camel drivers	58 12 –	705 – –	
Elephant driver, including fodder, &c.	213 – –	2,556 – –	
Lall Chund Tudwee	20 – –	240 – –	
Khansama of Dhar bungalow	7 – –	84 – –	
Gardeners of Motee Bang	46 – –	552 – –	
			4,137 – –
Dhurmadoll	– – –	8,919 8 –	
Tribute to M. B. C.	– – –	20,000 – –	
Dispensary	– – –	666 10 8	
			29,586 2 8
Establishment attached in the districts	– – – –	– – – –	33,046 5 9
		Total *Rs.*	2,06,521 8 5

Dhar, 21 May 1860.

(signed) *Junber Lall*,
Manager of Dhar.

(No. 1994.)

From *Cecil Beadon*, Esq., Secretary to the Government of India, to Colonel Sir *R. Shakespear*, Knight, Agent to the Governor General for Central India; dated Fort William, the 15th June 1860. Foreign Department.

Sir,

I am directed to acknowledge the receipt of your letter, No. 207, dated the 22d ultimo, detailing the steps taken by you, to make known to the Dhar durbar the final decision of Government regarding that State, and in reply to communicate the following orders and remarks.

2. The Governor General in Council entirely approves your having declined to put the Khasjee estates under the management of the Ranee, or to pledge yourself to any definite arrangement for the support of the ladies of the family.

3. Of the surplus revenue, amounting to *Rs.* 3,89,918. 13. 1., which has accrued since 1857, whatever remains, after defraying all expenses, is to be carried to the credit of the Dhar State. That State has been restored in merciful consideration to the youth and apparent innocence of the young Rajah, and the mercy should not be stinted by any drawbacks.

4. But the allowance of 3,000 rupees a month to the Ranee will have to be met from the surplus, and should be paid at once, with arrears. Measures should also be taken to settle her debt, to whatever amount it may exceed the arrears due to her.

5. It will be convenient that there should be money in hand for the Rajah's marriage.

6. The suggestion made in paragraphs 18 and 19 of your letter, regarding the date of transfer of the administration, is approved. The administration by a British officer will continue until the Rajah has completed his 18th year; that is, supposing his Highness was born in April 1844, until the end of the local year of account in 1862.

7. It is not desirable to carry the destruction of the fort further at present. But an early examination of it should be made, and a plan of it taken, and you will be careful that nothing whatever is done towards repairing any part of the defences, or setting up guns. It is believed that no guns or military stores of any kind remain at Dhar.

8. Your proposal to administer the government through efficient officers from the old hereditary servants of the State is entirely approved; but care must be taken that none are employed who are under any taint of treason to the British Government, and that the system of payment by grants of lands and perquisites be kept within reasonable bounds, so as not to cripple the revenues of the State.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

(No. 213.)

From Colonel Sir *R. Shakespear*, Knight, Agent to the Governor General for Central India, to *Cecil Beadon*, Esq., Secretary to the Government of India, Foreign Department; dated, Indore Residency, 29 May 1860.

Sir,

In my letter, No. 207, of date 22d instant, I forwarded a report of my proceedings when communicating the final orders of Government regarding the State of Dhar.

2. My communications at that time were made to the Rajah and to the Ranee of Dhar, but, as the previous orders of the Government of India were promulgated by my predecessor in a proclamation, I have thought it my duty to publish one explanatory of the new arrangement.

3. I have the honour to forward a copy and a translation of the paper which has been published by me, and which will, I trust, be honoured with the approval of his Excellency the Viceroy.

I have, &c.
(signed) *R. C. Shakespear*,
Agent to the Governor General for Central India.

Proclamation.

23d May 1860.

Be it known to the Talookdars, Jageerdars, Zemeendars, and Ryots of the Dhar State, that the final orders of the British Government from London have been received by his Excellency the Viceroy, and on the 21st of May I explained them to the Maharajah and the Ranee Sahib at Dhar, in durbar held on the occasion. The orders as follows:

The misconduct of the officers of the Dhar durbar during the mutinies was so great as to fully justify the Government of India in ordering the annexation (ضبطی) of the whole of the Dhar territory, but the British Government, bearing in mind the fidelity of the late Rajah and the youth of the present, will not exact that extreme penalty.

It is necessary, as a warning to others, that a punishment should be inflicted, and it is therefore ordered that Purgunnah Bairsiah shall be taken for ever from the Dhar government.

But excepting Bairsiah, the whole of the other possessions of the Dhar government are restored to the Rajah from this time.

During

During the minority of the Rajah these possessions will be managed for him by a British officer, and on his attaining his majority the management of them will be made over to the Rajah.

It is about 40 years since Sir John Malcolm found the Dhar State reduced to the verge of ruin.

It was raised to prosperity by the protection of the British Government, and on the sudden death of the late Rajah the adoption of a successor was promptly and willingly recognised by the British Government.

After such continued kindness, and with so recent a mark of favour before them, it was peculiarly reprehensible in the Dhar durbar to fail in its fidelity during such a crisis as that of 1857.

Now that order has been completely restored, and every opposition has been put down, the restoration of the Pergunnahs to the Rajah of Dhar ought to be considered as an act of grace, and the forfeiture of the Pergunnah of Bairseeah should be looked upon as a warning to all who may fail in their fidelity to the British Government.

(True translation.)

(signed) *G. Ashburner*,
Officiating First Assistant Agent to the
Governor General for Central India.

(No. 1937 of 1860.)

From *Cecil Beadon*, Esq., Secretary to the Government of India, to Colonel Sir *R. Shakespear*, Knight, Agent to the Governor General for Central India; dated Fort William, 13 June 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 213, dated the 29th ultimo, forwarding copy and translation of a proclamation issued by you regarding the Dhar State.

2. In reply, I am directed by the Governor General in Council to observe, that, although there is nothing that need be disapproved in the proclamation in question, yet it is not exactly in the form, nor does it contain all that, if a proclamation had been known to be necessary, his Excellency in Council should have wished to see put forth.

3. It is always better, where any important act or measure of policy of the Government is to be spoken of in a very public and solemn manner, that the instructions of the Supreme Government should be applied for in time.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of India.

From the Secretary of State for India in Council to the Governor General of India in Council; dated 15 December (No. 91) 1860.

Political department.

Para. 1. I HAVE received and considered in Council your Excellency's letter (No. 55) of the 3d of July 1860, on the subject of the restoration to its native ruler of the principality of Dhar, in accordance with instructions from Her Majesty's Government.

2. You have communicated to the young Rajah, and since publicly proclaimed to the people, that the whole of the Dhar estates, with the exception of the Pergunnah of Bairseeah, are henceforth to be administered for the benefit of the young prince, under British superintendence, until he shall have completed his 18th year, and afterwards by the Rajah himself, if he should be qualified to undertake the Government.

3. Having provided for the necessary expenses of administration, and set aside sufficient funds for a suitable maintenance for the Rajah and his family during his minority, you will allow the surplus to accumulate for the benefit of the Rajah, so that upon his eventual assumption of the government of the principality, he may find himself in prosperous circumstances, and have no excuse for suffering the State to lapse into pecuniary embarrassment.

4. During the period of sequestration, it appears that, after payment of all expenses of administration, a balance of nearly 390,000 Company's rupees in favour of the principality has accrued. I entirely approve of your Lordship's proposal to carry this surplus to the credit of the State, paying therefrom the arrears of stipend due to the Ranee for the support of the family during the time of annexation; and any further amount which may be required by her for the liquidation of the debt contracted by her in consequence of her non-acceptance of the stipend, and any other claims arising out of the rebellion to which the estate may be justly held liable.

5. I observe, also, with much satisfaction, that although during the minority of the young Rajah, the administration will be placed under British superintendence, arrangements will be made to employ in the service of the State some of the old officers of the durbar and other natives of the country not suspected of disloyalty to the British Government.

6. The irregularity of the issue of a proclamation, without previous reference to the Government, has been very properly noticed by your Excellency.

(signed) *Charles Wood.*

EAST INDIA (DHAR).

COPIES or EXTRACTS of CORRESPONDENCE relating to the RESTORATION of DHAR, not included in former Returns.

(*Lord Stanley.*)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1861.

[*Price* 10 *d.*]

30.

Under 12 *oz.*

RETURN to an Address of the Honourable The House of Commons, dated 8 February, 1861;—*for*,

"COPY of REPORT from Lieutenant Colonel *Phayre*, the Commissioner of *Pegu*, on the subject of his Tour among the KAREN MOUNTAIN TRIBES, and the efforts of the Rev. Dr. and Mrs. *Mason*, for the spread of Education and Civilization among them."

India Office,
12 February 1861.

J. W. KAYE,
Secretary in Political Department.

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4	13 January „ -	Mrs. Mason - - - -	Commissioner of Pegu.
6	21 January „ -	Rev. Dr. Mason - - -	- - - Ditto.
7	15 April - „ -	Secretary to Foreign Department	- - - Ditto.

(No. 3 of 1859.)

From Lieutenant-Colonel *Phayre*, Commissioner of Pegu, to *Cecil Beadon*, Esq., Secretary to the Government of India.

Sir, Toungoo, 3 February 1859.

HAVING lately returned to the station of Toungoo, from a short tour among the Karen Mountain tribes dwelling to the east of the Sitang or Paung Loung River, I have the honour to submit, for the information of the Honourable the President in Council, a brief report of what I have observed among that interesting race of people.

2. The mountainous country of the Toungoo district, east of the Paung Loung River, in which the Karen tribes reside, extends over an area of about 2,000 square miles. It is bounded by the line of the British frontier, with Burmah on the north, along the parallel of 19° 29′ north latitude; on the south by the River Youkthie, which divides it from the Martaban province; on the east by the country of the independent Red Karens; and on the west by the lowlands skirting the Paung Loung River. Within the above tract of country dwell the several tribes distinguished by the Burmese under the general name of Karen. These tribes, though acknowledging a relationship to each other in race, yet bear separate distinctive names for themselves. Their dialects, in some instances, differ from each other, so as to render communication between the tribes nearly as difficult as if the languages were altogether distinct. The following are the names of the several tribes or clans within the above tract of country:—

1. Pakée,
2. Manne Paghá.
3. Bghaé, divided into two sections,
4. We Waei,
5. Sgaee,

and one or two more not yet satisfactorily ascertained.

3. It is impossible to give an accurate return of the numbers of these people, but it may be stated generally to be about 50,000, of whom over 20,000 souls are either professed Christians, or under Christian instruction and influence. They are scattered over mountains which rise to 5,000 feet above the sea; their villages seldom contain more than 30 to 40 houses. Their cultivation, like that of all the Indo-Chinese mountaineers, is carried on, not by terracing the hills, but by cutting down the forest on the mountain sides, burning the whole mass of timber and grass, and then sowing the seed in the ground among the ashes. As the next rain washes away the fertile vegetable soil, a crop cannot again be raised on the same spot for some 10 or 15 years. Each village, therefore, requires a wide extent of mountain land, in order to have a rotation of cultivable spots. This method of cultivation acts as a bar to the progress of the people, since they are engaged in a constant struggle against the forest; but there appears no prospect of any immediate improvement being effected in this respect.

4. Up to the year 1853 the several tribes, and it may even be said the different villages of the tribe, lived in a state of enmity and actual warfare with each other. By open force, or by stealthy manœuvre, they would capture women and children, and sell them as slaves to other tribes, while they generally put to death all grown up men who fell into their power. These predatory habits still exist more or less among those tribes who have not accepted Christianity.

5. In my annual Administration reports, I have narrated how, by the unwearied labours of the Rev. Dr. and Mrs. Mason, of San Qwa-la, and other Christian Karen teachers, from the Tenasserim provinces, Christianity has been introduced among these tribes; how their languages have been mastered and reduced to writing; and how religion and education have simultaneously wrought a vast change in the habits, the feelings, and the hearts of these wild mountaineers.

6. The Government have been pleased in past years to make grants of money to Dr. and Mrs. Mason, for the translation of books, and for the building of the school for Karen females at Toungoo. Having now been present at the meeting, in a central mountain village, of a considerable number of people from all the tribes,—an annual gathering held to recount their past proceedings, to compare their progress, and to animate each other to future efforts; having witnessed this deeply interesting meeting, I deem it my duty to report, for the information of the Honourable the President in Council, the result so far of the work which has been going on among these people.

7. Their educational institutions are closely connected with their village or clan system. Each village community constitutes a church or congregation in itself. Among the Sgan, Maumpgha, Pakée, and We Wan tribes, there are 58 stations or churches. At each village there is a teacher and a school. The teachers are generally young men of the tribe who have been selected and instructed under the care of Dr. Mason. The village teacher is not in all cases an ordained minister; but he it is who conducts the public worship, and is also the schoolmaster. In each village a church is erected, and the school is held in the same building. At those villages which I have visited, these mountain places of worship were neat wooden buildings, with a house adjoining for the minister or teacher. All are built at the expense of the people, and the teacher is entirely supported by the same means. I need hardly add that it is a completely voluntary system. A bamboo fence, put round the church and the teacher's or minister's dwelling, separates them from the rest of the village.

8. Among the other tribes, namely, the Bghai and Mopgha, there are 62 stations, or parishes, as they may be termed, which I am informed are provided for in every respect as above described.

9. In January 1859 the Pakée association of all the churches belonging to that and some adjoining tribes held a meeting, at which I was present. It was at a village named Bangalee, situated on a fine commanding position, at some 3,000 feet elevation, with forest-clad mountains all round. There were about 700 or 800 people present, men, women, and children. The Rev. Dr. Mason, with several Karen ministers and teachers, occupied a central platform of bamboo, slightly raised above the ground. Around this platform, under the shade of a temporary shed of bamboo, were the Karens, seated according to their tribes and families, clad in their picturesque national dress, and with intelligence and deep interest in the objects for which they had met beaming in their faces.

10. The

10. The business of the meeting commenced with a hymn and with prayer, both in the Karen language. The Karens have naturally a taste for melody, and the soft sounds of their language are well adapted to vocal music. Several of the young Karen ministers and teachers successively addressed the assembly in earnest language, exhorting the people to make increased exertions to educate their children, to support religion, to procure Bibles, and to be careful of them when they had them. One read a paper containing a brief account of the illness and death of a brother pastor who had lately died. Several of the chiefs also briefly addressed the meeting, exhorting the people. Finally, it was announced that the associated churches had subscribed over 500 rupees towards the support of the central schools at the town of Toungoo, where both boys and girls are educated more highly than can be done in the village schools. They are there trained as teachers for the village schools.

11. It was a wonderful sight thus to behold in the midst of an assembly of tribes so lately savage, and with no written language, the evidence of a people appreciating the benefits of religion and of education, supporting pastors and schools, listening to speeches on social improvement and religious duties, delivered by men of their own race, in their own tongue; abandoning their evil habits and their cruel wars, and living as quiet, industrious mountaineers, anxious for improvement. I was surprised at the youth of some of the teachers, and more also at the respect and attention shown them by many of the chiefs. This is the more remarkable, as we might almost have looked for jealousy from the latter at their own influence being impaired. It is not so, however; Dr. Mason has found, as was to be expected, that young people were more readily impressed with new ideas than those advanced in life, and has employed young men as teachers; while their education ensures them respect and influence among both chiefs and people.

12. Though the people support their village teachers and schools, and will, and do, also support those youths who go to study at the normal schools in towns, yet it is beyond their means to defray all the expenses of the latter institutions. I was present at an examination of the girls of the Female Institute at Toungoo by Mr. Mason; 50 were present; they appeared to acquit themselves creditably in geography, arithmetic, and other branches of knowledge. To show what a change education has wrought in the opinions of these people generally, I may mention, that in the absence of regular teachers in the more remote villages, some of the chiefs have applied for young women from the institute to instruct the children of their tribe. This fact, showing a disregard for all previous prejudices (for they heretofore considered women only as useful drudges to the Lords of creation), evinces the wonderful change effected in their habits of thought.

13. I have entered into these details of the progress made among these tribes in order to lay clearly before the Honourable the President in Council my reasons for making application for further grants towards supporting and extending education among them. On this subject I beg to annex copies of two letters to my address, one from Mrs. Mason, dated the 13th of January 1859, and one from the Rev. Dr. Mason, dated the 21st idem: both ask for assistance for the normal school for Karen young men, established at the town of Toungoo.

14. Hitherto the Government has contributed as follows towards education among the mountain Karen tribes: 2,000 rupees for the translation and printing of useful works in the Bghai and Mannie-pgha dialects, and 1,400 rupees for books, apparatus, &c., for the Karen Female Institute; a grant of land at Toungoo has also been made for erecting the building.

15. With reference to the present application by Dr. and Mrs. Mason, I beg earnestly to recommend that the Honourable the President in Council will be pleased to sanction a grant towards the young men's normal school, a school which is to fulfil the important object of furnishing instructors to the various tribes scattered over the mountains. The great importance of aiding the Rev. Dr. and Mrs. Mason in affording these young men a liberal education, through whose agency these tribes may be raised from the depths of ignorance and barbarism, to have hereafter, it is hoped, a prominent place among Asiatic races; the great importance of aiding in this noble object requires not a word from me

states. The obligations by which these states are bound to the British Government are very little onerous. In the case of Dhar there were no obligations at all, except the obvious and general one of allegiance and the maintenance of peace. On the contrary, Dhar, as shown in the Despatch from the Honourable Court of Directors of the 22d of June 1858, owed its prosperity and its existence to the favour of the British Government; and yet, if there is a state in India to which the designation of "leader in rebellion" is preëminently applicable, it is Dhar.

8. I respectfully submit that if the authority of the British Crown over its feudatories is to be maintained, Dhar cannot escape the severest punishment.

9. But it may be thought that the punishment should be limited to the soldiery and to the durbar, including the relatives of the chief who are known to have had share in the rebellion. I trust that Her Majesty's Government will not be of this opinion.

10. It is a fact, arising from natural causes, that there is invariably amongst the native states of India, a large proportion, of which the chiefships are in the hands of minors, or which, for other reasons, are governed by regencies. Within the circle of which I have spoken there are at the present time not less than seven states in this condition. If it be once supposed that a state, the head of which is in his minority, or very young, and for the administration of which the durbar is responsible, will on that account, and even in the event of its violating its obligations to the paramount power, be treated with more than usual indulgence, the difficulties generally attendant upon our dealings with such states will be enormously increased. If the durbar and the relatives of the young prince see reason to think that the dynasty to which they are attached is safe against the consequences of their intrigues, misgovernment, and neglect of the allegiance of their state to the paramount power, our hold over them will be slight indeed. The fall of their own fortunes they will risk without hesitation, when they would carefully abstain from any act which would bring loss and injury upon the house of their chief. Morever, it is not too much to say, that if the principle of not holding a state, during the minority of its chief, responsible for the acts of the durbar, be once established, a temptation will be afforded to the unprincipled men who are not unfrequently to be found in these native durbars, to save the state or dynasty against all risks, by taking care that the throne shall be occupied by a minor chief.

11. I am strongly opposed to the interference of this Government in the internal affairs of the feudatory states, unless in the last extremity, and I consider that then it should be as limited and short as possible. You have approved this principle of action in the recent case of the Ulwur State. But just in proportion as we desire to avoid vexatious interference in petty matters, we must be severe and firm in flagrant cases of rebellion and of continued resistance to our arms.

12. I believe that in no other way can the great feudal empire of the British Crown in Rajpootana, Central India and Bundlecund (to say nothing of the feudatory states in other parts of India) be held together.

13. These are the reasons which lead me very respectfully to urge upon Her Majesty's Government that the confiscation of Dhar be confirmed.

14. I believe that there is not an officer of experience in the countries which I have above named, who does not feel the validity of them; and the officers now in chief authority there are not less zealous for a fair and generous policy towards the states to which they are accredited than any of their predecessors.

15. As to the disposal of the principality, I never entertained the thought of recommending that the territory be retained by the British Government. Such a measure would be politically an embarrassment, and financially little gain to the Government. Indeed, to govern the territory as a British possession would probably entail loss upon us for some time to come.

16. The disposal which I recommend is this: first, that the bulk of the Dhar Principality be granted in perpetuity to Maharaja Sindia; second, that the Maharaja bind himself and his heirs to give in perpetuity a grant to the Dhar family of lands yielding a lakh of rupees yearly, to be held as a fief under his Highness, but also under guarantee of the British Government. This is an

arrangement

arrangement which, whilst it would increase the dignity and authority of the Maharaja of Gwalior, in a way otherwise unattainable, would not, in my opinion, press with undue harshness on the house of Dhar.

17. The pergunnah of Bairseah, though separated from Dhar, belongs to it. As to the loyal native state to which this pergunnah should be ceded, I shall have the honour of addressing you separately.

I have, &c.
(signed) *Canning.*

(No. 29.)

To the Right Honourable Sir *Charles Wood*, Bart., M. P., Secretary of State for India.

Foreign Department, Camp Delhi,
30 December 1859.

Sir,

With my Despatch, No. 18, dated 6th instant, relative to the State of Dhar, I only forwarded a copy of the letter to the address of the Agent to the Governor General for Central India, No. 276, dated 12th August 1858, as time did not permit of my sending all the papers on the subject. I have now the honour to transmit a copy of these papers, as per accompanying abstract of contents.

I have, &c.
(signed) *Canning.*

(No. 70.)

From Sir *R. Hamilton*, Bart., Agent to the Governor General for Central India, to *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General; dated Camp Saugor, 22d February 1858.

Sir,

I have the honour to report that the orders conveyed in your Despatch, No. 4878, dated 7th December 1857, with respect to the Rajah of Dhar, have been fully carried out, as will be learnt by a perusal of the accompanying correspondence.

2. On receipt of your Despatch, I issued instructions to Captain Hutchinson, and addressed a letter to the young Rajah, as well as to the Ranee, explaining fully the decision of the Right Honourable the Governor General.

3. Translation of my letter is annexed, as also translation of a proclamation I caused to be promulgated after.

4. Captain Hutchinson not being able to proceed in person to Dhar, deputed Meer Shahmut Ali, Native Assistant, to Dhar, to carry out the orders. Copy of his report is also annexed, by which it appears that it is now perfectly understood by all classes of people that, owing to the disloyal conduct of the durbar, the State is entirely at the disposal of the British Government, and that the authority of Anund Rao Powar has ceased to exist.

5. Understanding that the troops and establishments were greatly in arrears of pay, I thought it advisable that they should be informed that they should be retained in service, rather than be allowed to scatter abroad, and become disaffected. It now appears that they are nine months in arrears, and measures will be at once adopted to make up and adjust their accounts, which may be paid out of the balance of cash in hand, or out of the funds lodged in the Mhow Fort, amounting to about eight lacs of rupees, for the disposal of which I beg instructions. The jewels and other articles mortgaged should be allowed to be redeemed.

6. It appears in the statement of jagheers, that the Ranee was in the receipt of 31,718 rupees per annum, derived from the rent of six villages, and 1,503 rupees in cash.

The Karen young women manifest the greatest eagerness to acquire a knowledge of letters, and are perfectly docile and teachable.

The Karen department has been taught three terms, and the present term, each pupil came bearing half a basket of rice down from the mountains upon her back, while brothers and friends brought the remainder for the term.

One whose chief refused to grant it, in order to study, walked three days up the mountains, begged her basket of others, and came back bearing it down triumphant amidst the ridicule and contempt of her people.

Four of these girls have already commenced teaching, and have become so popular that 10 chiefs have applied for school mistresses, as soon as the present term closes, although when the school commenced many opposed.

The young men's normal school which has also been undertaken by the Kareen Education Society, is of very great importance, as, to this, we must look principally for teachers for all the northern and eastern Kareens.

No assistance has yet been given this school by Government, and I would beg to ask that you will kindly take into consideration and do us the favour to recommend it to the Supreme Government.

1. Three thousand rupees, or whatever amount might be thought suitable for the erection of a good brick school-house, large enough to accommodate 100 pupils.

2. As no continual grant in aid is desired, I would ask if Government will not grant 20 acres of good paddy land already under cultivation near the institute grounds, and free from taxes, as a permanent support.

3. That if the loan so kindly granted to the Kareens in 1858 be promptly paid, that amount may be allowed for the purchase of buffaloes to be used in the school fields, until the school shall be able to purchase for itself.

This favour is asked because, even though the Kareens be relieved from taxes for 10 years, it will not apparently be any inducement to those of Toungoo to leave their wild highland homes, simply because they have not the means to make a beginning. A hundred cultivators would come down immediately if they had means to purchase buffaloes, carts, and rice, for the first few months. I do, therefore, most earnestly hope that some help may be given for the school in this matter.

Warmly remembering my many obligations,

I am, &c.
(signed) *Ellen B. Mason.*

(No. 585.)

To Major *Phayre*, Commissioner of Pegu, &c.

Sir, Bangalay, 21 January 1859.

At the Pakée association which has just closed you saw nearly 80 of our 120 Kareen assistants, and were pleased to express yourself as much gratified with their attainments and general appearance. They belong to the Sgan, Manne-pgha, Sakn, Turrie, Bghai, Pant Bghai, and We Wan tribes, all of which, except the first, are found exclusively within the limits of the Toungoo Mission. We are just commencing our labours among the Red Karens, who are more numerous, it is probable, than all the Karen tribes in the aggregate in Pegu and Tenasserim. We have also just occupied the first station among a new tribe on the northern boundary that show by their dialects an unmistakeable affinity with the Pmas of southern Pegu and Tenasserim. We are dependent on our own normal school for teachers for those various tribes, and we are in great need of scientific instruments for this school. A good telescope to examine the heavenly bodies, a sextant, an artificial horizon, a pair of globes, and a set of large maps are among our desiderata. An apparatus for taking photographs would also be very useful. Were Government to furnish these articles for the school, or as many of them as you may deem suitable to recommend, they would confer a great boon on these wild tribes, which are just awakening from the sleep of ages to see their ignorance and appreciate the value of knowledge, that they are now seeking with intense interest; and the youth exhibit no less intelligence than the Anglo-Saxons.

Sic orig.

During

During the last season a few learned to measure land by the cross staff, others acquired the use of the prismatic compass and the first principles of plane trigonometry; some understand the rudiments of astronomy, and if furnished with instruments would soon be able to determine the latitude of places of which our best maps give very erroneous representations.

The liberal things you have ever devised for this people, by which you have secured their affections far beyond any other Commissioner they have ever had, and the readiness you have ever shown to grant me the favours I have repeatedly asked for them, encourage me to present the present application, in the full belief that you will do in the circumstances all that ought to be done.

I have &c.
(signed) *F. Mason.*

P. S.—It was not necessary to remind you, but it may be Government, that the Toungoo Karen schools are founded on entirely different principles from those of any other schools in Burmah, if not in India. They belong to no mission society, but are Karen institutions, supported by the people themselves.

The present school buildings, with a house for the teacher, were built at their own expense, and it is not intended to ask aid from Government, or others, for the support of the pupils, as the people are pledged to do that for themselves. Five hundred and fifteen rupees were brought in for the purpose at the present association. The basis of all our operations is to help the people to help themselves.

No. 1988 of 1859.—Foreign Department.

From *C. Beadon*, Esq., Secretary to the Government of India, to Major *A. P. Phayre*, Commissioner of Pegu.

Sir, Fort William, 15 April 1859.

I HAVE the honour to acknowledge the receipt of your letter No. 3, dated the 3d February last, giving an account of your tour among the Karen Mountain tribes dwelling to the east of the Sitang or Poung Loung River, and of the progress which has been made in educating and converting them to Christianity through the efforts of Dr. and Mrs. Mason; and recommending certain grants of money to them.

2. In reply, I am directed to inform you that the Governor General in Council has been pleased to sanction the grant of the sum of 3,000 rupees, recommended by you, towards the building of a school-house for the Karen young men at Toungoo; the house to be of brick masonry and to accommodate 100 pupils.

3. His Excellency in Council has also been pleased to authorise you to procure the following articles for the use of the school, at a cost not exceeding 1,200 rupees:—

1 Telescope on stand.
1 Sextant and artificial horizon.
1 Pair of globes.
1 Prismatic compass and chain, and
1 Set of school maps.

I have &c.
(signed) *C. Beadon,*
Secretary to the Government of India.

(No. 1989 of 1859.)

Ordered, that a copy of the above letter be sent to the Financial Department, for information and further orders.

EAST INDIA (KAREN MOUNTAIN TRIBES).

Copy of Report from Lieutenant Colonel *Phayre*, the Commissioner of *Pegu*, on the subject of his Tour among the Karen Mountain Tribes, and the efforts of the Rev. Dr. and Mrs. *Mason* for the spread of Education and Civilization among them.

(Mr. Kinnaird.)

Ordered, by The House of Commons, *to be Printed,*
13 *February* 1861.

Under 1 *oz.*

EAST INDIA (MIRZA ALI AKBAR).

RETURN to an Address of the Honourable The House of Commons, dated 3 May 1861;—*for*,

"COPY of further CORRESPONDENCE, MINUTES of the Governor in Council of *Bombay*, and of the Council of *India*, respecting MIRZA ALI AKBAR (in continuation of Parliamentary Paper, No. 352, of Session 1860)".

India Office,
10 May 1861.

J. WM. KAYE,
Secretary in Political Department.

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(*Mr. Layard.*)

Ordered, by The House of Commons, *to be Printed*,
13 *May* 1861.

COPY of further CORRESPONDENCE, MINUTES of the Governor in Council of *Bombay*, and of the Council of *India*, respecting MIRZA ALI ACKBAR.

No. 41, of 1860.—Political Department.

From the Bombay Government to the Secretary of State for India; dated Bombay, 23 July 1860.

Right Honourable Sir,

WE have the honour to acknowledge the receipt of your Despatch, No. 43, dated the 8th December last, forwarding a memorial (with enclosures), from Mirza Ali Ackbar, advancing a claim for pension, on account of the services rendered by him to the State in the capacity of moonshee to the Government of Sind, from which office, it is alleged, he was unjustly dismissed by the Bombay Government.

2. We now beg to enclose copy of a letter from the Commissioner in Sind, No. 68, dated the 27th April last, and to state, that we have no remarks to submit on the subject of Mirza Ali Ackbar's memorial, further than those contained in the Despatch from this Government in the Political Department, No. 41, of the 26th April 1856.

3. We deem it hardly possible, at this distance of time, to pronounce on the validity of explanations of circumstances which first attracted the notice of this Government in 1849. The whole case has been reviewed by Sir Bartle Frere,* one of the very ablest and most unprejudiced officers in the Indian services, and his views have obtained the concurrence of the late Honourable the Court of Directors.†

4. The fact that this Government declined to retain the services of Mirza Ali Ackbar has not, we would observe, prevented him from obtaining lucrative employment from others, and we do not consider that good results can ensue from a further agitation of the case.

We have, &c.

(signed) *G. Clerk.*
W. Mansfield.
H. W. Reeves.
W. E. Frere.

No. 68, of 1860.—Political Department.

From the Commissioner in Sind to the Right Honourable Lord *Elphinstone*, G. C. B., and G. C. H., Governor and President in Council, Bombay; dated Commissioner's Office, Kurrachee, 27 April 1860.

My Lord,

WITH reference to Mr. Anderson's letter of the 3d ultimo, No. 957, I have the honour to state that no remarks of mine appear to be called for on the correspondence regarding Meerza Ali Akbar's latest memorial, received with the Despatch of the 8th December last, No. 43, from Her Majesty's Secretary of State for India.

2. So far as I can understand the case from a careful perusal of the papers, the

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* *Vide* his letter No. 30 A, dated 19th January 1856, a copy of which accompanied the Despatch from the Bombay Government, No. 41, of the 26th April following.

† Para. 35 of Despatch, p. 16, dated 11th February 1857.

the whole of the required information has already been placed before the Bombay Government, against whose decision it is that the memorialist appeals. If it be considered necessary to inquire more closely into the grounds of opinion or evidence upon which was based the report of my predecessor, now especially brought under discussion,* I would suggest that reference be made to Sir Bartle Frere at Calcutta. I regret my inability to reply to the communication adverted to in para. 2, which I have never seen up to this time, nor is it discoverable among the office records. From inquiries instituted, there seems but little doubt that the papers were retained by the late Commissioner for special report. But my reference on the subject has not yet been replied to, and rather than delay the matter longer, I have thought it advisable to state the case as it stands.

4. Captain Ford, Collector of Shikarpoor, to whom I had written in the belief that the memorial of 1855, if not the more recent pamphlet of 1858, had been referred to his predecessor, Major Stewart, for report, is unable, from his own knowledge, or from his records, to give me any information tending to elucidate past proceedings. It will thus be seen that any record of these, as regards the memorial of 1858, is neither forthcoming in this office nor in that of the Collector of Shikarpoor.

I have, &c.
(signed) *J. D. Inverarity.*

Sir, India Office, 6 November 1860.

With reference to your letter of the 11th November 1859, and enclosed memorial, I am directed by the Secretary of State for India to inform you that Sir C. Wood, having referred those communications to the Government of Bombay, declines to accede to your request that a pension be conferred on you, and desires that this decision be considered final.

I am, &c.
(signed) *Herman Merivale.*

Mirza Ali Ackbar,
235, Maida Vale.

Extract Political Despatch from the Secretary of State for India to the Governor in Council, Bombay; dated London, 17 November (No. 35), 1860.

Case of *Mirza Ali Ackbar.*

16. I have caused Mirza Ali Ackbar to be informed, that I decline to comply with his request for a pension.

11, Cambridge Terrace, Hyde Park,
Sir, 7 December 1860.

I have to acknowledge your letter of the 6th November last, in which you inform me that the Right honourable Sir Charles Wood, having referred my former communication to the Bombay Government, declines to accede to my request for a pension, and desires that this decision be considered final.

Not being informed whether the Bombay Government have given any reply to the reference which was made to them, I can form no estimate of the ground upon which this decision has been arrived at. I feel confident that, in the observation which I made, I refuted every imputation there was cast upon me. I may assume from the delay of two years and a half, and requests more than once addressed to the Government of Bombay to expedite their report, that it was the opinion of the Home Government that my memorial demanded a reply.

I have no means to dispute a decision which I am told I must consider final. A pension is an act of grace, and however I may feel it a hardship that the just reward of my services is refused, I must acquiesce.

But I beg most respectfully to call the attention of the Right honourable Sir C. Wood to the other part of my memorial which asked for one of simple justice, upon

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* No. 50 A, of 19th January 1856, adverted to in Mr. Secretary Anderson's No. 3389, of the 3d July.

upon which he has pronounced no opinion. My memorial asked for the payment of arrears of my pay for the time that I was actually detained in service, from June 1847, being the date of my suspension from office, up to June 1848, when I was dismissed; for the period of 13 months I received no salary, which was 40 *l.* a month; that request I now venture respectfully to repeat, hoping that the Right honourable the Secretary of State for India will order this sum to be paid to me.

I now most respectfully ask of the Right honourable Sir C. Wood that, although he may not think fit to grant me the pension for which Sir Charles Napier recommended me, that he will order me the payment of the arrears of salary due to me, and also direct that I may not be considered ineligible for employment under the Indian Government, so that on my return to India I may not be debarred from obtaining employment of those who have the power of giving, and think I can serve the Government with advantage.

I feel persuaded that a perusal of my memorial will satisfy the Government that I am clearly entitled, as a matter of strict justice, to have those two requests complied with.

I have, &c.
(signed) *Mirza Ali Ackbar.*

James Cosmo Melvill, Esq.,
Under Secretary of State,
&c. &c. &c.

Sir, India Office, 19 January 1861.

I am directed by Sir Charles Wood to inform you that, having taken into consideration in Council your letter of the 7th ultimo, he is unable to comply with your request to be allowed to draw the allowances of your office accruing during the period that you were under suspension and your conduct under investigation, it being contrary to the rules and practice of the service to grant such allowances when the inquiry terminates in a manner unfavourable to the accused functionary.

With respect to your request, that Sir Charles Wood will direct that you may not be considered ineligible for employment in the public service in India, I am instructed to inform you that Sir Charles Wood declines to interfere in the matter.

I am, &c.
(signed) *T. G. Baring.*

Mirza Ali Ackbar,
11, Cambridge Terrace, Hyde Park.

Dissent by Sir *Erskine Perry* from a Draft Despatch to *Ali Akbar*, Esq., passed in Council 17 January 1861.

19 January 1861.

In dissenting from this Despatch, which passed the Council on the 17th instant, I feel compelled to record my opinion that Ali Akbar has not had a fair trial. It is a common complaint amongst the natives of India that, on alleged offences committed by them whilst in office, the same measure of justice is not held out to them which is applied to Europeans, and this case appears to me to afford a complete exemplification of their complaint.

If a similar charge to that brought against Ali Akbar had been brought against a civilian, the latter would have been tried by an experienced judge of his own class, in open court, on *vivâ voce* evidence, and with opportunity at every stage of the proceedings, either by himself or counsel, to cross-examine the witnesses, and to produce evidence or arguments for the purpose of rebutting any unfavourable impressions that might be raised against him. Even if, on such inquiry, he had been found guilty, he would have had a chance of the sentence being reversed on successive appeal to two tribunals, composed chiefly of men of his own service.

None of these advantages were extended to Ali Akbar. It is true that, on the first

first bringing forward the charge against him by a fraudulent debtor of his in Bombay,* he had the opportunity of making a defence personally before the authorities in Sind, under whom he served; and, after an investigation, extending over five months, he was substantially acquitted. But the Bombay Government, not being satisfied with this decision, applied to the Supreme Court for a mass of documentary evidence which had been taken in other suits then pending, most of which was wholly irrelevant, and in none of which the question before the Government was in issue, and in Ali Akbar's absence, and without his knowledge of the evidence they brought against him, and without calling upon him for his defence, they condemned him, and by a majority of two against one they dismissed him from the service with ignominy.

The same objections apply to the subsequent re-investigation of the case by Mr. (now Sir) Bartle Frere.

I have now read over these voluminous papers with care, and I feel bound to say I cannot accept as satisfactory the conclusions of the Executive Government of Bombay, who have decided the case on mere paper evidence, without hearing any witnesses, and, above all, without hearing the party accused.

E. Perry.

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* Agha Mahomed Rehim, whose frauds and perjuries proved the subject of many years' investigation in the Supreme Court at Bombay, and whose remarkable case I have detailed at length in "Cases Illustrative of Oriental Life," p. 1.

EAST INDIA (MIRZA ALI AKBAR).

COPY of further CORRESPONDENCE, MINUTES of the Governor in Council of *Bombay*, and of the Council of *India*, respecting MIRZA ALI AKBAR (in continuation of Parliamentary Paper, No. 352, of Session 1860).

(*Mr. Layard.*)

Ordered, by The House of Commons, *to be Printed,*
13 *May* 1861.

242.

Under 1 *oz.*

EAST INDIA (MYSORE FAMILY).

RETURN to an Address of the Honourable The House of Commons, dated 12 February 1861;—*for*,

AN "ACCOUNT of the RECEIPTS and EXPENDITURE of the 'APPROPRIATED MYSORE DEPOSIT FUND,' and of DISBURSEMENTS on account of the Families of *Hyder Ali* and *Tippoo Sultan*; MINUTE of Lord *Minto*, dated the 19th day of October 1807; MEMORIALS from Prince *Gholam Mahomed*, in 1852 and subsequent Years; DESPATCHES from the Court of Directors of the East India Company, and MINUTES of Lord *Dalhousie* and other Members of the Indian Government on the above subject; together with DESPATCHES from the Secretary of State for *India* in Council, MINUTES of Lord *Canning* and others, relating thereto; and any Dissents recorded by Members of the Council of *India*."

India Office, 1861.

J. W. KAYE,
Secretary in the Political Department.

(*Mr. Wyld.*)

Ordered, by The House of Commons, *to be Printed*,
19 *February* 1861.

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AN ACCOUNT of the RECEIPTS and EXPENDITURE of the "APPROPRIATED MYSORE DEPOSIT FUND," and of DISBURSEMENTS on account of the Families of *Hyder Ali* and *Tippoo Sultan*; MINUTE of Lord *Minto*, dated the 19th day of October 1807; MEMORIALS from Prince *Gholam Mahomed*, in 1852 and subsequent Years; DESPATCHES from the Court of Directors of the East India Company, and MINUTES of Lord *Dalhousie* and other Members of the Indian Government on the above subject; together with DESPATCHES from the Secretary of State for *India* in Council, MINUTES of Lord *Canning* and others, relating thereto; and any Dissents recorded by Members of the Council of *India*.

PARTITION TREATY OF MYSORE.

TREATY for strengthening the Alliance and Friendship subsisting between the English East India Company Behauder, His Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, and the Paishwah Row Pundit Purdham Behauder, and for effecting a Settlement of the Dominions of the late Tippoo Sultaun.

WHEREAS the deceased Tippoo Sultaun, unprovoked by any act of aggression on the part of the allies, entered into an offensive and defensive alliance with the French, and admitted a French force into his army, for the purpose of commencing war against the Honourable English Company Behauder, and its allies, Nizam-ud-Dowlah Asoph Jah Behauder, and the Paishwah Row Pundit Purdham Behauder; and the said Tippoo Sultaun having attempted to evade the just demands of satisfaction and security made by the Honourable English Company Behauder and its allies, for their defence and protection against the joint designs of the said Sultaun and of the French, the allied armies of the Honourable English Company Behauder, and of his Highness Nizam-ud-Dowlah Asoph Jah Behauder, proceeded to hostilities, in vindication of their rights, and for the preservation of their respective dominions from the perils of foreign invasion, and from the ravages of a cruel and relentless enemy.

And whereas it has pleased Almighty God to prosper the just cause of the said allies, the Honourable English Company Behauder, and his Highness Nizam-ud-Dowlah Asoph Jah Behauder, with a continued course of victory and success, and finally to crown their arms, by the reduction of the capital of Mysore, the fall of Tippoo Sultaun, the utter extinction of his power, and the unconditional submission of his people; and whereas the said allies, being disposed to exercise the right of conquest with the same moderation and forbearance which they have observed from the commencement to the conclusion of the late successful war, have resolved to use the power which it hath pleased Almighty God to place in their hands, for the purpose of obtaining reasonable compensation for the expenses of the war, and of establishing permanent security and genuine tranquillity for themselves and their subjects, as well as for all the powers contiguous to their respective dominions: wherefore a treaty, for the adjustment of the territories of the late Tippoo Sultaun, between the English East India Company Behauder and his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, is now concluded by Lieutenant General George Harris, Commander in Chief of the forces of his Britannic Majesty, and of the English East India Company Behauder in the Carnatic, and on the coast of

Malabar, the Honourable Colonel Arthur Wellesley, the Honourable Henry Wellesley, Lieutenant Colonel William Kirkpatrick, and Lieutenant Colonel Barry Close, on the part and in the name of the Right Honourable Richard, Earl of Mornington, K.P., Governor General for all affairs, civil or military, of the British nation in India; and by the Nabob Mere Allum Behauder, on the part and in the name of his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, according to the under-mentioned articles, which, by the blessing of God, shall be binding on the heirs and successors of the contracting parties, as long as the sun and moon shall endure, and of which the conditions shall be reciprocally observed by the said contracting parties.

Article 1.—It being reasonable and just that the allies, by this treaty, should accomplish the original objects of the war (viz., a due indemnification for the expenses incurred in their own defence, and effectual security for their respective possessions against the future designs of their enemies), it is stipulated and agreed, that the districts specified in Schedule (A.), hereunto annexed, together with the heads of all the passes leading from the territory of the late Tippoo Sultaun to any part of the possessions of the English East India Company Behauder, of its allies or tributaries, situated below the Ghauts on either coast, and all forts situated near to and commanding the said passes, shall be subjected to the authority, and be for ever incorporated with the dominions of the English East India Company Behauder, the said Company Behauder engaging to provide effectually, out of the revenues of the said districts, for the suitable maintenance of the whole of the families of the late Hyder Ali Khan, and of the late Tippoo Sultaun, and to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lacs of star pagodas, making the Company's share as follows:—

Estimated value of Districts enumerated in the Schedule (A.), according to the Statement of Tippoo Sultaun in 1792.

Canteria pagodas - - - - - -	7,77,170
Deduct provision for the families of Hyder Ali Khan, and Tippoo Sultaun two lacs of star pagodas, in Canteria pagodas - - -	2,40,000
Remains to the East India Company - -	5,37,170

Article 2.—For the same reason stated in the preceding article, the districts specified in the Schedule (B.), annexed hereunto, shall be subject to the authority, and for ever united with the dominions of the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, the said Nabob having engaged to provide liberally, from the revenues of the said districts, for the support of Meer Kummer-ud Deen Behauder, and of his family and relations, and to grant him for this purpose a personal jaghire in the district of Gurrumcondah, equal to the annual sum of 2,10,000 rupees, or of 70,000 Canteria pagodas, over and above and exclusive of a jaghire, which the said Nabob has also agreed to assign to the said Meer Kummer-ud-Deen Khan, for the pay and maintenance of a proportionate number of troops, to be employed in the service of his said Highness, making the share of his Highness as follows:—

Estimated value of the territory specified in Schedule (B.), according to the statement of Tippoo Sultaun in 1792 - - - - - - - - - -	6,07,332
Deduct personal jaghire to Meer Kummer-ud-Deen Khan 2,10,000 rupees, or Canteria pagodas - - - -	70,000
Remains to the Nabob Nizam-ud-Dowlah Asoph Jah Behauder - - - - - - -	5,37,332

Article 3.—It being further expedient, for the preservation of peace and tranquillity, and for the general security on the foundations now established by the

the contracting parties, that the fortress of Seringapatam should be subjected to the said Company Behauder, it is stipulated and agreed that the said fortress, and the island on which it is situated (including the small tract of land, or island, lying to the westward of the main island, and bounded on the west by a nullah called the Mysore Nullah, which falls into the Cavery near Chungal Ghaut) shall become part of the dominions of the said Company, in full right and sovereignty for ever.

Article 4.—A separate government shall be established in Mysore; and for this purpose it is stipulated and agreed, that Maha Rajah Mysore Kistna Rajah Oodiaver Behauder, a descendant of the ancient Rajahs of Mysore, shall possess the territory hereinafter described, upon the conditions hereinafter mentioned.

Article 5.—The contracting powers mutually and severally agree, that the districts specified in Schedule (C.), hereunto annexed, shall be ceded to the said Maha Rajah Mysore, upon the conditions hereinafter mentioned.

Article 6.—The English East India Company Behauder shall be at liberty to make such deduction, from time to time, from the sums allotted by the first article of the present treaty, for the maintenance of the family of Hyder Ali Khan and Tippoo Sultaun, as may be proper, in consequence of the decease of any member of the said families, and in the event of any hostile attempt, on the part of the said family from any member of it, against the authority of the contracting parties, or against the peace of their respective dominions, or the territory of the Rajah of Mysore, then the said English East India Company Behauder shall be at liberty to limit, or suspend entirely, the payment of the whole, or any part of the stipend hereinbefore stipulated to be applied to the maintenance and support of the said families.

Article 7.—His Highness the Paishwah Row Pundit Purdhan Behauder shall be invited to accede to the present treaty; and although the said Paishwah Row Pundit Purdhan Bahauder has neither participated in the expense or danger of the late war, and therefore is not entitled to share any part of the acquisitions made by the contracting parties (namely, the English East India Company Behauder and his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder), yet, for the maintenance of the relations of friendship and alliance between the said Paishwah, Row Pundit Purdhan Behauder, the English East India Company Behauder, his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, and Maha Rajah Mysore Kishna Rajah Behauder, it is stipulated and agreed, that certain districts, specified in Schedule (D.), hereunto annexed, shall be reserved for the purpose of being eventually ceded to the said Paishwah Row Pundit Purdhan Behauder in full right and sovereignty, in the same manner as if he had been a contracting party to this treaty; provided, however, that the said Paishwah Row Pundit Purdhan Behauder shall accede to the present treaty, in its full extent, within one month from the day on which it shall be formally communicated to him by the contracting parties; and provided also, that he shall give satisfaction to the English East India Company Behauder, and to his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, with regard to certain points now depending between him, the said Paishwah Row Pundit Purdhan Behauder, and the said Nabob Nizam-ud-Dowlah Asoph Jah Behauder; and also with regard to such points as shall be represented to the said Paishwah, on the part of the English East India Company Behauder, by the Governor-General, or the English Resident at the Court of Poonah.

Article 8.—If, contrary to the amicable expectation of the contracting parties, the said Paishwah Row Pundit Purdhan Behauder shall refuse to accede to this treaty, or to give satisfaction upon the points to which the seventh article refers, then the right to, and sovereignty of the several districts hereinbefore reserved for eventual cession to the Paishwah Row Pundit Purdhan Behauder shall rest jointly in the said English East India Company Behauder, and the said Nabob Nizam-ud-Dowlah Asoph Jah Behauder, who will either exchange them with the Rajah of Mysore for other districts of equal value more contiguous to their

respective territories, or otherwise arrange and settle respecting them, as they shall judge proper.

Article 9.—It being expedient, for the effectual establishment of Maha Rajah Mysore Kishna, Rajah in the Government of Mysore, that his Highness should be assisted with a suitable subsidiary force, it is stipulated and agreed that the whole of the said force shall be furnished by the English East India Company Behauder, according to the terms of a separate treaty to be immediately concluded between the said English East India Company Behauder and his Highness the Maha Rajah Mysore Kishna Rajah Oodiaver Behauder.

Article 10.—This treaty, consisting of ten articles, being settled and concluded this day, the 22d of June, 1799 (corresponding with the 17th of Mohurrum, 1214, anno Higeree) by Lieutenant-General Harris, the Honourable Colonel Arthur Wellesley, the Honourable Henry Wellesley, Lieutenant-Colonel William Kirkpatrick, and Lieutenant Colonel Barry Close, on the part and in the name of the Right Honourable Richard, Earl of Mornington, Governor-General aforesaid, and by Meer Allum Behauder, on the part and in the name of his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, the said Lieutenant-General Harris, the Honourable Colonel Arthur Wellesley, the Honourable Henry Wellesley, Lieutenant-Colonel William Kirkpatrick, and Lieutenant-Colonel Barry Close, have delivered to Meer Allum Behauder one copy of the same, signed and sealed by themselves; and Meer Allum Behauder has delivered to Lieutenant-General George Harris, the Honourable Colonel Arthur Wellesley, the Honourable Henry Wellesley, Lieutenant-Colonel William Kirkpatrick, and Lieutenant-Colonel Barry Close, another copy of the same, signed and sealed by himself; and Lieutenant-General George Harris, the Honourable Colonel Arthur Wellesley, the Honourable Henry Wellesley, Lieutenant-Colonel William Kirkpatrick, and Lieutenant-Colonel Barry Close, and Meer Allum Behauder, severally and mutually engage, that the said treaty shall be respectively ratified by the Right Honourable the Governor General, under his seal and signature, within eight days from the date hereof, and by his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder within twenty-five days from the date hereof.

(L. S.) *Meer Allum.*

Witnessed, by order of the Commissioners,

(signed) *J. Malcolm*, Secretary.

Separate Articles of the Treaty between the Company and the Nizam.

1. With a view to the prevention of future altercations, it is agreed, between his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder and the Honourable English East India Company Behauder, that to whatever amount the stipends appropriated to the maintenance of the sons, relatives, and dependents of the late Hyder Ali Khan and Tippoo Sultaun, or the personal jaghire of Meer Kummer-ud-Deen Khan, shall hereafter be diminished, in consequence of any of the stipulations of the treaty of Mysore, the contracting parties shallnot be accountable to each other on this head.

2. And it is further agreed between the contracting parties, that in the event provided for in the eighth article of the treaty of Mysore, two-thirds of the share reserved for Row Pundit Purdhan Behauder shall fall to his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behauder, and the remaining third to the Honourable English East India Company Behauder.

SCHEDULE (A.)

1. The Company's Share.

	Canteria Pagodas.	Fanams.	Canteria Pagodas.	Fanams.
The following Districts from Nuggur or Bednore:				
Korial (Mangalore), Bekul and Nelesseram	1,33,662	7¼ –		
Karcul	11,393	2¼ –		
Barkoo	48,389	8½ –		
Khoosaulpore	26,361	7½ –		
Bulkull	9,177	–¼ –		
Garsopa	9,192	–½ –		
Hunawur (Onore)	17,842	9½ –		
Mirjaun	8,953	4¾ –		
Ancola, Punchmahl, and Shedasheoghur (or Soonda Payen Ghaut)	28,332	2 –		
Bilghuy	18,929	4¼ –		
			3,11,874	6¾ –
Coimbatore, viz.:				
Coimbatore	80,000	– –		
Danaigincottah	35,000	– –		
Cheoor	27,000	– –		
Chinjerry	27,000	– –		
Darapoor Chuckergary	64,000	– –		
Settimungalum	30,000	– –		
Undoor	8,000	– –		
Peroondora	14,000	– –		
Vizimungul or Aravacoorchy	20,000	– –		
Erroade	20,000	– –		
Caroor	41,000	– –		
Coodgully	15,000	– –		
Caveryporam	4,000	– –		
			3,85,000	– –
Wynaad (from Aumudnugur Chickloor) from Talooks, belonging to Seringapatam:				
Punganoor	15,000	– –		
Sutticul, Alumbaddy, Koodahully	15,200	– –		
Oussore	18,096	– –		
Decani-Cottah and Ruttungherry	14,000	– –		
Vencatigeri-Cottah	6,000	– –		
Ankusgeery and Sooligeery	4,000	– –		
Bangalore	3,000	– –		
Talamulla and Talwaddy, half talooks of Hurdaluelly	5,000	– –		
			80,296	– –
		Total	7,77,170	6¾ –
Deduct provision for the maintenance of the families of Hyder Ali Khan and of Tippoo Sultaun, Star pagodas 2,00,000, or Canteria pagodas			2,40,000	– –
Remains to the Company – – – *Canteria Pagodas*			5,37,170	6¾ –

SCHEDULE (B.)

2. The Nizam's Share.

Gooty:	*Canteria Pagodas.*	*Fanams.*	*Canteria Pagodas.*	*Fanams.*
Fuze Huzzoor Kubal	15,568	–		
Kona Koomlah	7,500	–		
Pamri	11,000	–		
Wunjur Kurroor	8,998	1		
Yursutty Muracherroo	5,902	–		
Beem Rapah	4,800	–		
Muttoor	2,700	–		
Pravalli Mumnimong	9,426	3		
Chunumpilly	8,951	8		
Mulkairva Kotoo	22,251	8¾		
Kurtooni	8,800	–		
Yarky	22,673	1		
Pennacoonda	60,000	–		
Munug Seera	8,000	–		
Hundytenaatpoor	16,000	–		
Koorgoor, remainder of	11,629	–		
Kunchindgoondy, ditto	10,000	–		
Of Gurrumcondah:				
All the districts not added in 1792	1,85,810	–		
Puttungeery, from Seringapatam	10,000	–		
Rydroop (6 talooks)	1,02,856	–		
Kunnoul Peshcush	66,666	–		
From Chittledroog:				
Jerymullah (1 talook)	7,800	–		
			6,07,332	1¾ –
Deduct for a personal jaghire to Cumeer-ud-Deen Khan and relations			70,000	– –
Remains to the Nizam – – *Canteria Pagodas*			5,37,332	1¾ –

SCHEDULE (C.)

District ceded to Maha Rajah Mysore Kistna Rajah Oodiaver Behauder.

Talooks belonging to Seringapatam:	*Canteria Pagodas.*	*Fanams.*	*Canteria Pagodas.*	*Fanams.*
Puttun Attacran	11,000	–		
Mysore Attacran, or Rechmut Nuzzur	11,500	–		
Nuzzur Bar	14,000	–		
Hardunhelly	15,000	–		
Periapatam	6,200	–		
Muddoor	13,200	–		
Hetghur Deivan-Cottah	8,000	–		
Betudapoor	7,000	–		
Tyour	8,000	–		
Yelandoor	10,000	–		
Mallivelly Gullinabad	9,000	–		
Tulkar Sosilah	8,100	–		
Nurzipore	10,200	–		
Yestonah	7,200	–		
Bailoor	15,700	–		
Astrulgoor	4,300	–		

Talooks belonging to Seringapatam—cont^{d}.	*Canteria Pagodas.*	*Fanams.*		*Canteria Pagodas.*	*Fanams.*
Chenapatam	12,100	–	–		
Bullum Mungirabad	10,000	–	–		
Hussin	7,900	–	–		
Honavelly	9,400	–	–		
Nagmungul	4,700	–	–		
Bellore	3,100	–	–		
Mahorage Droog	10,000	–	–		
Gram	3,500	–	–		
Ramgherry	7,400	–	–		
Turkanemb	7,400	–	–		
Ahmud Nuggur Chickloor	10,000	–	–		
Kurp	12,000	–	–		
Toory Khaira	9,000	–	–		
Coonydghul	5,008	9	–		
Hoolioordroog	4,000	–	–		
Kirkairy	4,065	–	–		
Chennyputtun	9,138	–	–		
Noorgairly	3,000	–	–		
Mairlabah, or Kishmaghessoor	6,100	–	–		
Sucknyputtun	6,200	–	–		
Banorawar Gurradungilly Harrunhilly	10,000	–	–		
Boodihall	7,000	–	–		
Nidgul	6,000	–	–		
Posgur	10,000	–	–		
Hagulwary	12,000	–	–		
Goomairpollam	10,000	–	–		
Bangalore	55,000	–	–		
Maugry	8,400	–	–		
Mudgherry	36,000	–	–		
Coorghurry	4,000	–	–		
Cankanelly	8,900	–	–		
Nalwungle and Doorbilla	16,000	–	–		
Anikul	10,300	–	–		
Byroodroog	4,000	–	–		
Hyboor	7,000	–	–		
Dewanhully	20,045	–	–		
Ootradroog	5,000	–	–		
Chinroydroog	8,000	–	–		
Toomkoor and Deoroy	18,000	–	–		
Nidgegul and Maclydroog	16,000	–	–		
Kundakeera and Chellnaighelly	16,000	–	–		
Chota Balapoor	80,000	–	–		
Colar	80,000	–	–		
Jungum-Cottah	13,000	–	–		
Chuckmogalam	8,134	4	–		
Kudoor	7,129	7	4		
				7,78,322	– 4
Sera, Remainder of:					
Sera and Amerapoor	55,000	–	–		
Oooscotah	50,754	–	–		
Burra Balapoor	44,000	–	–		
				1,49,754	– –
Nuggur, above Ghaut.					
Kusbah	29,145	$4\frac{3}{4}$	2		
Coolydroog	28,818	$-\frac{3}{4}$	2		
Koompsee	8,094	$2\frac{1}{2}$	–		
Kope	22,864	$5\frac{1}{4}$	2		
Wastara	6,818	9	–		
Eekairy and Sagur	39,411	$-\frac{1}{2}$	2		
Gooty (Hoobly)	11,006	8	$-\frac{3}{4}$		
Surbtonanundy	10,458	$-\frac{1}{4}$	2		
Terryanwitty	17,424	–	–		
Shikarpor	11,774	$-\frac{3}{4}$	–		
Annuntapoor	10,191	$-\frac{1}{2}$	9		
Lakooley Dannass	11,629	$6\frac{3}{4}$	1		

	Canteria Pagodas.	Fanams.		Canteria Pagodas.	Fanams.	
Nuggur, above Ghaut—continued.						
Oodgunny	13,614	1¾	–			
Simoga	16,883	5	–			
Hooly Honore	6,583	5¾	1			
Biddary	10,835	5	2			
Chingeery, Beswapattam	22,091	1¾	3			
Turrykeera	14,076	4¼	2			
Azeimpoor	10,696	2¾	3			
				3,02,417	6	6
Chittledroog, remainder of 12 *Talooks:*						
Kusbah	20,874	7¾	1			
Beemsumunder	12,148	4	2			
Dideary	12,984	9½	–			
Husdroog	11,936	2¾	3			
Multoor	10,392	3½	2			
Murkal Moroo	12,662	9¼	3			
Tullick	11,854	–¾	–			
Burnm Sagur	10,163	6¼	–			
Kunkopa	12,542	–½	2			
Bilchoor	10,683	1	2			
Hinoor	10,010	–	5			
Goody-Cottah	11,330	5	3			
				1,48,583	1	7
				13,79,076	8	1
Deduct two Purgunnahs of Hurdenhally, viz., Talmale and Talwaddy, included in the Company's share				5,000	–	–
				13,74,076	8	1

SCHEDULE (D.)

The Peishwah's Share.

	Canteria Pagodas.	Fanams.	
Harpoonelly (6 talooks)			1,10,030	8¾	–
Soonda (above the Ghauts)			59,377	–	–
Annagoondy			60,101	–	–
From Chittledroog, 2 Talooks, viz.:					
Holul Kaira	11,425	6	–		
Mycomdo	12,226	9	–		
			23,652	5	–
From Bednore, 1 Talook, viz.:					
Hurryhur			10,796	–	–
Total – – – *Canteria Pagodas*			2,63,957	3¾	–

Ratified at Hyderabad by his Highness the Nizam, on the 13th day of July, anno Domini 1799.

(signed) *J. A. Kirkpatrick,*
Resident.

MEMORIAL, explanatory of the PARTITION TREATY of *Mysore*.

1. THE principle of partition between the Nizam and the Company, assumed in the first and second articles, is, that each party should retain, in direct sovereignty, an equal share of unencumbered territorial revenue, deduction being made from both sides of the amount of the pensions for jaghires, of which each party has agreed to bear the charge.

2. The allowances made by Tippoo Sultaun to his family, and that of Hyder, including the whole expenses of the maintenance of every branch of the families, did not exceed 1,12,116 Canteria pagodas.

3. It was, however, thought advisable to allot a larger sum for this purpose, as well with a view to meet the first expenses of settling the families in the Carnatic, as the increased charge of maintaining the younger sons of the late Sultaun (nine in number) as they shall advance in years. The youngest of the four princes, now at Vellore, is about 15 years of age. It is not intended to make the nine younger sons, now at Seringapatam, the eldest of whom is about 11 years of age, so large an allowance as that enjoyed by each of the four elder, now at Vellore. The four elder sons have been accustomed to a degree of state, of which it would be indelicate to deprive them. The same reasons do not apply to the younger sons, who have scarcely ever been suffered to pass beyond the limits of the zenana.

4. The estimate of the revenues of Tippoo Sultaun, on which the partition has been founded, is the same as that admitted by the allies at Seringapatam in 1792, deducting the sum of nine lacs of pagodas, which had been added by the allies to the estimate given in by the vakeels of Tippoo Sultaun on that occasion. There is every reason to suppose that this estimate is much below the real produce of the revenues of the country, especially in its valuation of the Company's share. Tippoo Sultaun had made a fictitious increase of his revenues, by an arbitrary addition to the nominal value of his coin, and by other capricious and extravagant operations, the nature of which is explained in the papers annexed to this Despatch. By this contrivance he had raised the apparent amount of his revenues to the sum of 83,67,549 Canteria pagodas. This sum certainly much exceeded their real amount. In No. 3 * a comparison is instituted between the extravagant statements lately found at Seringapatam, and the depreciation of Tippoo Sultaun's remaining revenue imposed upon the allies in 1792. By this comparison it appears that, at the lowest valuation, the Company's share of the present partition may be expected, within a short period of time, to produce not less than 14,78,698 Star pagodas,† provided the revenues be ably and honestly administered.

5. A map, constructed by Captain Marriott, will be found in No. ——. It is recommended to the attention of your Honourable Court, as exhibiting a curious and interesting view of the new and capricious division of territory introduced by Tippoo Sultaun, by which he had changed many of the names, and all the divisions of every part of his kingdom, loading his establishments with innumerable Mahomedan officers of revenue, and entirely subverting the wise and economical system established by Hyder Ali. In No. 4 * will also be found a note, relating to the produce and commercial powers of Mysore. Having already stated, in paragraphs 13, 14, and 15 of this Despatch, the principles which have regulated the selection of the particular districts allotted to each of the contracting parties, it is unnecessary to add anything on that subject to this Memorial.

6. The

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* Appendix. Captain Macleod's Statement of Revenue, &c.

† *N. B.*—This is the gross amount; about twelve lacs net revenue.

6. The third article does not appear to require any explanation. The small tract of land retained in addition to the island of Seringapatam is necessary to the effectual strength of the place and to its constant supply with water. By the next Despatch ,it is hoped that an accurate report of the value of the acquisitions made under this article may be forwarded to your Honourable Court.

7. Articles 4 and 5. These articles are so expressed as to exclude any claim of right to the throne on the part of the Rajah, and also to prevent many of the Polygars, descended from the ancient possessors of various parts of the territories of Tippoo Sultaun, from preferring obsolete pretensions, founded on alleged rights of inheritance.

8. Article 6 requires no explanation. The first separate article refers to this, and will hereafter be explained.

9. Article 7 refers to an intended treaty with the Maratta empire, the negotiation of which is now depending at Poonah, with every prospect of a favourable issue.

10. The eighth article requires no particular comment; it is connected with the second separate article, which will be hereafter explained.

11. The ninth article is founded upon the equitable right of the Company, arising from a superior share in the expenses and dangers of the war, to the principal benefit of any collateral arrangements to be made with the new government at Mysore. It is evident that his Highness the Nizam, the existence of whose throne has confessedly been saved, and is now protected by the British power, will derive a considerable additional security from the establishment of the British influence in Mysore. On the other hand, the pensions to be made to the Marattas will be employed to purchase certain immunities of the most valuable kind for his Highness; or if the Maratta power should decline such an accommodation, the second separate article (as hereafter explained) will place his Highness's interests under the operation of this treaty, on a level with those of the Company.

Separate Articles.

Article 1.—This article was inserted with a view to exclude the Nizam from any interference in the affairs of the families of Hyder Ali and Tippoo Sultaun: its operation is reciprocal, as it renounces the Company's right of interference between Nizam Ali and Kummer-ud-Deen.

Article 2.—If the Paishwah should aceede to the terms to be proposed to him under the seventh article of the treaty, it has already been remarked that the Nizam will derive considerable benefit from that arrangement. The precise nature of the benefit which his Highness may expect, is now a matter of negotiation at Poonah. If Nizam Ali should be disappointed in his expectation at Poonah, he will be amply indemnified by receiving two-thirds of the territory now reserved for eventual cession to the Paishwah, while the Company shall receive only one-third.

ACCOUNTS of the APPROPRIATED MYSORE DEPOSIT FUND up to the Year 1805-6.

By the first article of the Partition Treaty of Mysore, dated the 22d June 1799, a sum of two lacs of star pagodas, or 700,000 rupees, was set apart for the families of Hyder Ali and Tippoo Sultan.

The following statement shows the expenses incurred at Fort St. George on account of the maintenance and accommodation of the families, &c. of Hyder Ali and Tippoo Sultan, from the commencement of those changes to the beginning of the year 1806:

—	Amount disbursed by the Paymaster of Stipends at Vellore, and his Deputy at Seringapatam, for Stipends to the Families, &c.	Paid by the Paymaster of Stipends on account of the Buildings at Vellore.	Amount disbursed by the Paymaster at Seringapatam for Stipends, &c.	Paid by the Resident at Hyderabad for Stipends.	Paid by the Sub-Treasurer for Stipends.	TOTAL.
1799-1800 - -	59,321 27 11	- - -	54,224 1 1	- - -	- - -	1,14,045 28 12
1800-1 - - -	90,343 25 26	- - -	35,245 9 5	2,082 36 -	- - -	1,27,671 28 31
1801-2 - - *	1,36,864 - 9	82,896 16 53	10,986 40 7	231 18 -	- - -	2,30,978 32 69
1802-3 - - *	1,41,409 21 56	31,796 17 10	9,872 20 31	925 30 -	- - -	1,84,004 5 17
1803-4 - - -	1,41,645 28 16	- - -	9,764 8 39	925 30 -	275 - -	1,52,610 24 55
1804-5 - - -	1,46,507 - 33	1,593 14 74	9,746 11 31	855 30 -	300 - -	1,59,002 14 58
1805-6 - - -	1,64,741 27 48	1,000 - -	8,970 35 4	785 30 -	300 - -	1,75,798 8 52
Pagodas	8,81,333 4 39	1,17,286 6 57	1,38,809 41 38	5,807 6 -	875 - -	11,44,111 16 54

* The increased expenditure during this period was occasioned in consequence of three of the sons of the late Tippoo Sultan (who had recently been removed to Vellore from Seringapatam) having attained the age at which it became proper for them, according to the Mahomedan usages, to assume separate establishments, and they were accordingly each allowed 25,000 rupees per annum. The brother of the late Sultan Keriem Sahib was also allowed an addition of 12,000 rupees per annum to his stipend, and considerable disbursements made in the erection of new buildings at Vellore.

Lord *Minto*'s Minute, dated Fort William, 19 October 1807.

I HAVE thought it my duty to consider attentively the question suggested by a consideration of the letters which were some time since addressed to me by the Mysore Princes on the subject of their allowances, and which were recorded on the Consultation of the 1st ultimo, and to inquire both what sum may with propriety be fixed for the maintenance of the Mysore Princes, and what mode of treatment it is now advisable to adopt respecting them.

I am entirely satisfied that no other plan would either have been prudent or practicable on the first arrival of the princes themselves, and afterwards of their families, in Bengal, than precisely that which was adopted by the wisdom of the former Government. It was a necessary consequence both of their recent arrival in a new country, and of the vigilant control which was then obviously indispensable, that their maintenance should be provided for directly by Government, and the whole detail of their establishment should be conducted under its immediate orders. I have not understood, however, that this arrangement has ever been considered as permanent, and I have reason to believe that a change of plan has been in contemplation similar in principle, if not entirely equal in extent, to the propositions which I shall submit to the Council with the more confidence, as I find them sanctioned, at least in part, by opinions of so much authority as those to which I allude.

It may be convenient to begin by fixing the general principle by which the treatment of the Mysore families ought to be governed. We shall by that means acquire a guide both in the choice of system, and in adjusting the particulars of the plan.

By the fall of Seringapatam and the death of Tippoo Sultan, the usurpation of Hyder Ally, and the power of the dynasty which he founded, was totally and finally overthrown. In consequence of that event, a considerable portion of the ancient territory of Mysore was restored to the representative of its legitimate sovereigns: the conquered family of Hyder and Tippoo, by falling under the absolute power, came, for that very reason, under the protection of the conqueror, and found themselves, by the civilised spirit of European warfare, and by the peculiar character of the European enemy who had subdued them, entitled to the tender and liberal treament which they have in reality experienced. No countenance could be given, by any circumstance of our demeanor towards them, to any claim they might still harbour to the dominions of Tippoo, and a restraint of their persons, together with a strict observation of their conduct, was obviously necessary in the early period and in the first circumstances of their captivity. But, consistently with these objects, they were felt by the generous character of our country to be persons entitled to all the consideration which belongs to illustrious birth, and to the tenderness which is due to misfortune, especially in a vanquished enemy.

These sentiments, therefore, became the basis of our conduct towards the family of Tippoo, and prevailed in the arrangement adopted for their support, as far as prudence would permit.

We have to inquire, therefore, what change in these principles the events of Vellore, and the transplantation of this family to Bengal, should induce.

I confess, that to me the principle appears to remain the same, and that a change only in some particulars of the arrangement is rendered advisable by the new occurrences just adverted to.

It still becomes us to show as much generosity towards these families as is consistent with public security under present circumstances, and these, I think, will be found, on consideration, rather to admit of relaxation than to require an augmentation of restraint.

We could not at any period propose to purchase the friendly mind of this family by any liberality we showed them. It was contrary to nature that they should conceive affection or attachment towards the immediate authors of such calamities as had fallen on their house, or that they should in their hearts renounce their pretensions to their father's crown, which they had been taught and accustomed from their infancy to consider as their inheritance. It was with this knowledge that we determined to treat them in their misfortunes with liberality and kindness. Feeling ourselves at liberty to take our own precautions against their natural enmity to the British power, we never reckoned on their friendly dispositions as any part of our security.

Consistently with these considerations, it appears to me that the insurrection at Vellore, so far as it is to be ascribed to the agency of this family, or any member of it, may have afforded perhaps a confirmation of, but has made no real change in, the sentiments which were already entertained concerning their dispositions, at the very time when liberality was adopted as the fit principle of our behaviour towards them.

The question that remains is, what limitation of that generosity prudence requires in the present circumstances?

Much, in my opinion, has been done towards security by the removal of these families from the coast to Bengal. They are withdrawn from the sphere of their natural influence, and are transferred to a country in which they cannot count one partisan, or one public friend, but in which they are subject to the close and constant observation of Government itself, surrounded by all the means of vigilance and control which are possessed at the seat of authority.

For these reasons, I am myself satisfied that personal restraints may be not only diminished, but in a great degree, and, subject to some exceptions, safely withdrawn; and I am strongly confirmed in this opinion by the reflection, that if serious evil is to be apprehended either from their escape or from intrigue, during their residence in Bengal, neither of those dangers are at all obviated by any restraint which has been hitherto established, or which could be proposed under any practicable system of management.

My first proposition, then, is, that, subject to modifications and exceptions, which I shall notice hereafter, a fixed allowance be settled on each of the princes, which is to defray all their expenses of every description, under their own

own management, and in any residence approved by Government which they may choose to provide for themselves in Calcutta, or its immediate vicinity.

That they should be made clearly to understand that the allowance is never to be increased, but is to continue the same, notwithstanding any addition to the number of their families, or any unforeseen changes that may fall upon them.

That the allowance is to be considered as their estate, for the deficiencies of which Government will not provide, any more than it does in the case of other individuals, and which will not be diminished, except in case of misconduct or abuse.

It must be expressed also very explicitly that this settlement is made only for the lives of the present princes respectively, and that on their decease Government reserves to itself the right of considering anew the nature and amount of the provision to be made for their descendants and families.

I should now wish to consider the advantages and disadvantages of this plan, compared with the present system.

First, with a view to the comfort of the princes and their families:

On this point it is perfectly ascertained, and it is indeed impossible it should be otherwise, that the principal grievance of their present condition, or, to speak more adequately of it, the principal source of their present unhappiness, is the humiliation of having the interior management of their domestic life, with all its details, withdrawn from their own charge, and placed in that of strangers. I shall not enlarge on this topic, because no doubt attends it.

The present proposition, as it affects them, is to discharge them from confinement into houses of their own, and to convert them from state prisoners into heads of families. If this can be done with safety, we shall no doubt be happy in the opportunity of conferring so substantial a benefit and so great a consolation on these objects of national liberality and kindness. I shall consider, therefore,

Secondly, the question of security:

In Bengal the Mysore Princes possess undoubtedly no present power to hurt us.

They must either create it by intrigue, or escape to some other country, where they may be supposed to possess it.

Intrigue, by the communication of their own emissaries with other men, or by their own personal communication with the emissaries of others, is as practicable at their present residence of Russapuglah, and must always remain so, under any management short of absolute imprisonment, which neither has been nor can be proposed, as in a private house at Calcutta. It is true that they are now attended by a certain number of police officers, which creates, no doubt, a difficulty in the way of such practices; but, as it does not present insurmountable obstacles, the only difference is to the princes, and not to us; for the evil, so far as regards us, may be incurred with equal certainty in one case as in the other, and it would only cost the princes a troublesome precaution or two more at Russapuglah than at Calcutta.

If it is said that they are now under the care and superintendence of Lieutenant Colonel Richardson, and the magistrate of the 24 pergunnahs, I answer, that I propose they should continue so.

But with whom and for what object is the intrigue to be conducted? What inducements have they to propose to partisans? And how are they to conceal, under the very eye of Government, such indications of extensive designs (and none others are worthy of notice) as the smallest degree of success must necessarily present to a vigilant inspection?

These objections are equally applicable to the case of escape.

They might escape now if they had a strong motive to attempt it, with a few preparatory measures, attended perhaps with a little trouble, but no difficulty; but to what region of the world would they escape? In every part of Mysore, supposing all the difficulties of a flight from Bengal to that distant point surmounted, they must find themselves in an enemy's country, and must be prisoners again before they could occupy friendly ground enough to erect their standard.

None of the native princes of India have any common interest with them, or any desire for the restoration of Hyder's kingdom.

Which of them will embark their own fortune in so desperate an adventure?

To these arguments of security against their escape, or any danger to be apprehended from it, if accomplished, we must add a consideration very powerful with them: I mean the necessity of deserting, in such a case, their women and families, who could not accompany their flight, and abandoning them to the severity and disgrace which they would imagine likely to be the consequence of such a step.

If events in India should produce any alteration in these views, it would then rest with Government to adapt their measures to the occasion; but, under the present circumstances, I confess I see no danger from a relaxation in the personal restraints of the Mysore Princes.

I would next try the measure on the footing of economy and convenience.

The comparative estimate marked (A.). annexed to this Minute, will show a saving in annual expenditure of 30,892 sicca rupees in favour of the new plan, although I have been induced, by considerations which I shall afterwards explain, to propose in that plan some augmentation to the present allowances. The saving which results from this estimate is not fallacious, for it is exclusive of one branch of the present expenditure, the amount of which cannot be correctly ascertained, although it is known to be very considerable indeed: I mean the incidental charges of all kinds, including repairs of building, furniture, and a multitude of more minute particulars, which can neither be computed nor contradicted; and if that head of the present expenditure be taken into account at the most moderate estimate which has been suggested to me, the balance in favour of the plan now proposed will not fall below a lac of rupees per annum.

It is a great advantage of the proposed plan in point of economy, as well as convenience, that the whole charge is reduced to a certain invariable amount, and that no room is left to the very burthensome consequences either of abuse or negligence in conducting the domestic economy of so large a community.

Another advantage resulting from this plan is, that the advance of a very considerable capital, which must have been expended in the purchase of ground, and the construction of very extensive buildings, will be precluded. The probable amount of this will appear in the annexed papers.

The frequent alteration which must have been made in the allowances to be allotted to each family on the former principles, so as to meet the varying circumstances of increase or diminution in its numbers, marriages, births, funerals, and other domestic occurrences, is an inconvenience from which the new plan is entirely exempted; and Government, as well as the gentlemen more immediately employed, will be relieved from the constant and vexatious discontents, jealousies, complaints, and discussions, which the former system was calculated to produce, and of which there has already in this short period been such ample experience.

It cannot but be felt that the bare statement of the proposition to retain twelve families, composed at present of upwards of 300 persons, and subject to the natural growth of all societies, especially when favoured by polygamy, and an unlimited number of females, to retain, I say, a multitude in the condition, and to provide for them on the footing, of state prisoners of rank, must be an undertaking of such difficulty, complexity, and embarrassment, as to become in the end impracticable.

The whole of these embarrassments are removed by the plan I have now the honour to recommend.

My next proposition relates to the amount of allowances.

While Government was itself to provide for the maintenance of the families, and to direct the expenditure, the principle adopted of regulating the amount of each allowance according to the respective numbers and condition of the members composing the families, was the only one which could with propriety be resorted to. But, on the new proposition of committing the allowance to the direction of each family for itself, it appears to me every way more just and convenient to recur to the principle formerly established at Vellore; I mean that of classes, allotting different allowances, on proper grounds of discrimination, to each class, but assigning the same allowance to each member of the same class. The different circumstances of the families comprised within the same classes will, no doubt, make the smaller more affluent than the more numerous; but this difference must be perpetually varying; it is an advantage or disadvantage depending very much on their own choice or discretion. They will in this respect stand precisely on the same footing with every

every other head of a family who has a fixed income. A bachelor will always find himself more affluent on the same fortune than the father of a family, and the husband of one wife with few children will be richer than the father of fifty children by as many mothers. Provided the allowance be sufficient for the largest establishment, according to the rank of the person at the head of it, he has no right to complain of the accidental and probably temporary advantage enjoyed by others whose establishments happen to be smaller.

The inequality in the provision made for the different families, which I now propose to remove, as far as the case admits, has been in reality another, and, I may say, the second principal source of discontent and heartburning in these societies.

The classes formerly established seem to me to have been well considered, and to have been founded on the most rational, as well as most liberal considerations. Regard was had to the rank and birth of all, in the provisions assigned to them, but the difference in their habits was also attended to. It was a reasonable and considerate distinction which was made in favour of those who had already enjoyed splendour and distinction, and to whom every descent from their former condition might be supposed to add a sense of degradation to the diminution of fortune. Those who had not quitted the retired and comparatively plain and frugal life of the zenana had not this sentiment to aggravate their new condition, and have been reared in the knowledge of, and with a perfect preparation for the lot which has been assigned to them. In the desire of improving their situations, they claim, indeed, an equality with their elder brothers, on attaining manhood, and allege that, being the sons of the same father, they are degraded by every mark of inferiority to them. But this is an argument which would equally serve every younger brother in England who is the son of the same father with his elder brother, and who, nevertheless, protest in vain, on the plea of degradation, against the law of primogeniture. That the princes of the first class were born earlier than those of the second does not, indeed, constitute a personal merit in the former, but may yet, without injustice, as we see in Europe, be made the foundation of inequality in the distribution of fortune. I do not believe, indeed, that the principle of equality in the fortune or treatment of all the sons of the same father is by any means established in the practice of Mussulman families, and especially in those of sovereign or high rank. The distinction between the third class and the second is only temporary, but during its period is founded on natural fitness and convenience. The establishment for children and minors is and must be, in all the countries of the world, more limited than that of persons who have attained the age of manhood. When that natural distinction ceases, the third class will be placed on the same footing with the second, although it may be worthy of consideration whether the period of minority may not be properly extended somewhat beyond the very early age at which it terminates in these countries.

I am induced to propose some addition to the present allowances, for the following reasons:

1st. A more exact economy may be supposed to prevail under the prudent and attentive control of the gentlemen who now preside over the affairs of these families, than can be depended upon when the management is committed freely to themselves.

2d. Of a medical establishment, house rent, and the whole head of incidental charges to an unascertained amount now defrayed, a part must in future be provided for out of the fixed allowances.

3d. The allowances of the first class must be adapted to the scale of the most numerous and chargeable family; and the proposed income of that class will rather fall below than exceed the allowance which it has been found necessary, even on the old plan, to assign to Futteh Hyder.

4th. I really think that the present amount of allowances to the sons of Tippoo, in all cases except that of Futteh Hyder, falls somewhat short of the general principle of fit and becoming liberality applicable to this occasion, as it has been described in the early part of this Minute. Some reduction of the allowances first established at Vellore I entirely approve of, because those allowances afforded the means of accumulation, which might be applied to improper purposes, or might at least suggest designs of a nature troublesome to us, and probably fatal to themselves. But the former allowance of the first

class will, according to my proposition, suffer an abatement of two-fifths; and after that retrenchment cannot by any management, besides supplying the indispensable demands of a family, furnish any dangerous resources. But to preclude the possibility of this, and for the purpose of avoiding an inconvenience of a directly opposite nature, I mean the contracting of debt, I shall propose some subordinate regulations calculated to prevent these evils. I propose that Lieutenant Colonel Richardson, besides the habitual inspection and observation of their conduct, should be so far charged also with a superintendence of their interior economy as to receive from them periodical accounts, under general heads, of their expenditure, with the power of calling for the vouchers when the occasion may seem to him to require it. The points to which his attention will be directed must be, both whether the expenditure is too small and whether it is too great. In the first case, the notice of Government will be called to any indication of such accumulation as the public can have a possible interest in; in the second, provision will be made out of the subsequent month's or quarter's allowance for discharging any arrears incurred by the excess of expense in the former; and the knowledge of this on the part of the families themselves will no doubt serve to give an early check to irregular or prodigal dispositions, while a steady execution of this wholesome regulation will prevent the growth of debt to any inconvenient amount.

The provision I propose for the second class, though it will bear a higher proportion to the first than at Vellore, does not appear to me more than equal to the establishment which is suitable to the rank of the persons concerned.

I have said that these propositions were tendered under some exceptions and modifications.

The first exception is Moizoodeen. No part of this plan is intended to include him, and I shall take the liberty on a subsequent day to bring forward a distinct and separate proposition for himself and his family.

The first modification of the liberty proposed to be given to the Mysore princes, is in the case of Futteh Hyder. The part he has acted in the world, and the habits of command he had acquired, may be supposed to leave his mind more accessible to the suggestions of ambition, and more easily attracted by projects of enterprise than his brothers. On this account I would propose that a more active vigilance be exercised over him, and for that purpose that a small police establishment, to be connected with Lieutenant Colonel Richardson and Mr. Blaquiere, should be stationed at his house, with such powers and instructions as may be hereafter approved.

Similar precautions may perhaps be extended to Moizoodeen, the legitimate heir of Tippoo, whose title to that character might be conceived to render him also more prone to ambitious views than the rest.

A third modification may be found advisable if not necessary in the case of the youngest class, who are yet under the executive charge of their mothers. It may be thought on further consideration impossible to commit the management of the allowances intended for those families to the mothers, placed as they would be in separate residences without the protection or control of any male relative. I understand that some disorder and inconvenience prejudicial to the interest of the children, and perhaps to the reputation of the families, might be apprehended from this state of things. I may, therefore, have occasion to propose some provision for obviating this difficulty, when further progress is made in adjusting the details of the plan, but in the meantime I am enabled to say, that any variation to be occasioned by these considerations will not add to the total amount of annual expenditure contained in the annexed estimate.

The paper marked (B.) will show the amount and particulars of the present and proposed allowances.

If the Board should concur in the sentiments which I have stated regarding the immediate objects of the suggested arrangements, I propose that the following resolutions be passed, and that a copy of them be transmitted to Lieutenant Colonel Richardson and Mr. Blaquiere, with directions to communicate the substance of them to the princes in such manner as they judge most becoming and discreet, and to take the proper steps for carrying those resolutions into effect, reporting to the Secretary in the Political Department from time to time the opinions they have formed, or the preparations they have made respecting the execution of the plan, for the information of the Governor General in Council, before any material measure is actually adopted.

RESOLUTIONS.

1. That the allowances specified in a paper annexed, marked (C.), be assigned for the maintenance of the Mysore princes, to take effect from the 1st instant, and to be paid monthly, commencing the first payment on the 1st November for the month preceding.

2. That these allowances be paid to the head of each family respectively, or to such person as they shall appoint to receive them.

3. That these allowances shall stand in lieu of every provision whatever for their maintenance, and shall defray their expenses of every kind, without any exception, including house rent, or purchase of houses, furniture, medical assistance, and incidental charges of all descriptions whatever.

4. That no addition is to be made, nor any reduction, on account of any change in the number composing the families, by marriages, births, deaths, or otherwise, or on account of any other change of circumstances, with the exception of the individuals comprised in the third class, whose allowance, on their attaining manhood will be made equal to that of the second class; but with this exception, the allowances are to be considered as the estates of the persons to whom they are assigned, for the deficiencies of which Government will not provide.

5. That Government does not propose to diminish or withdraw any of the allowances during the lives of the persons to whom they are now assigned, except in the case of misconduct or abuse; but to provide against the possibility of such a case, and to avoid dispute in such an event, the whole must remain absolutely at the discretion of Government.

6. That on the decease of any of the persons to whom the allowances are now assigned, Government reserves to itself the power of making such provision for their widows, descendants, or other members of their families, as shall be deemed proper under the circumstances then existing.

7. That the princes shall have the entire and free management of their respective incomes; but that regular accounts of the expenditure are to be kept under such general heads as may be least offensive to their private feelings or usages, to be submitted to the persons appointed by Government to superintend the affairs of the Mysore princes, at such period and at such times as they may require it; that if any debt or arrears of payment are incurred by any of the princes, their liquidation shall be provided for by retaining sufficient sums for that purpose, out of the allowances for the ensuing month or months.

8. That if any saving is accomplished, the amount shall be invested in such public securities, or otherwise disposed of for the benefit of the princes and their families, in such manner as they shall themselves desire, and as Government shall approve.

9. That the princes shall be permitted to choose their own habitations in the vicinity of Calcutta, subject to the approbation of Government, and that the gentlemen appointed to superintend their affairs shall at all times have free access to them, and receive unreserved information of every circumstance which they shall deem interesting to Government, or connected with the welfare of the princes themselves.

10. That a proper degree of vigilance and inspection be still maintained at the houses of Futteh Hyder and Moizoodeen, the particular provision for which shall be hereafter appointed.

11. That the princes be informed of this arrangement, and that they be made acquainted at the same time with the expectations of Government on the following heads, viz.:—

12. That they refrain from every attempt or design, hostile to Government, or to the tranquillity of the country.

13. That they avoid every circumstance of behaviour and way of life that can excite jealousy and mistrust in the mind of Government, or can atract attention or create speculation amongst the inhabitants of the country.

14. That for these purposes they shall not quit their habitations in order to make visits, or for any other reason, without the previous approbation of the superintendent.

15. That they shall not attend processions or other public ceremonies on the occasion of religious festivals or domestic events which are usually celebrated in a public way.

 16. That

16. That they shall affect no splendour or display in their way of life, at home or elsewhere, calculated to attract public notice, but shall enjoy the personal comforts and accommodation provided for them with as much privacy as possible.

17. That they shall avoid as much as possible all intercourse with other families, and generally with the natives of India.

18. That all letters, either written or received by them and their families, shall be subject to the inspection of the officers of Government.

19. That no persons shall be invited or received into their families, especially from the coast, without the previous consent of Government; and, finally, that they be regulated in these, and all other particulars of their conduct and behaviour, by the advice of the gentlemen appointed to superintend their affairs.

20. That if they wish to purchase rather than to hire houses, their money which is now held in deposit by Government shall be first applied to that purpose respectively, and that the deficiencies shall be advanced by Government, such advances to be repaid by monthly stoppages out of their respective allowances.

(signed) *Minto.*

(A.)

Present Expense.			Expense of Proposed Plan.	
		Rs.		*Rs.*
Allowance per annum, exclusive of Moizoodeen		1,67,148	Allowance per annum, exclusive of Moizoodeen	2,34,000
Per Mensem.				
	Rs.			
Police	380			
Military Department	542			
Medical Department	948			
Garden Establishment	172			
Rent of Russapuglah	500			
	2,542 = per annum	30,504		
		1,97,652		
Computed cost of buildings for five families	*Rs.* 3,50,000			
Interest at 18 per cent. per annum		63,000		
Purchase of the garden	53,000			
Interest at 8 per cent.		4,240	Saving by proposed plan	30,892
	Rs.	2,64,892	*Rs.*	2,64,892

This estimate does not include contingent expenses incurred under the present establishment, because their exact amount cannot be ascertained; but they are known to be very considerable. They relate to repairs of buildings at Russapuglah, which, after the five elder princes are removed, would continue to be the residence of the rest, unless a greater expense were incurred for the rent of separate houses than is now paid for the rent of Russapuglah, or a very considerable addition were made to the capital to be advanced for buildings, and, therefore, to the interest payable on that account. The contingent expenses include also repairs and purchase of furniture, a multitude of minute charges which cannot be particularised, but form a large total in the year. Although a precise estimate of the incidental charges cannot be made, yet if, in future, they should bear any proportion to the past, they must be very great; and from the best opinions on the subject their lowest amount cannot be computed at less than 70,000, which would present a saving of one lac of rupees in favour of the proposed plan.

(B.)

PRESENT PLAN.

	PER MONTH.			PER ANNUM.	TOTAL.
	Rupees.			*Rupees.*	*Rupees.*
1st. Futteh Hyder	2,589	×	12 =	31,068	
Abdool Kholig	1,360	×	12 =	16,320	
Mohee-oodeen	1,747	×	12 =	20,964	
					68,352
Rs.	5,696				
2d. Yaseen Sahib	1,010	×	12 =	12,120	
Soobhan Saheb	1,348	×	12 =	16,176	
Shookur Ullah	1,280	×	12 =	15,360	
					43,656
Rs.	3,638				
3d. Surroov-oodeen	866	×	12 =	10,392	
Gholam Mahomed	716	×	12 =	8,592	
Gholam Ahmud	703	×	12 =	8,436	
					27,420
Rs.	2,285				
4th. Hyder Hussein	809	×	12 =	9,708	
Hurreem Saheb	631	×	12 =	7,572	
					17,280
Rs.	1,440				
5th. Two Princesses	580	×	12 =	- -	6,960
6th. Jameh-oodeen and Moneer-oodeen	290	×	12 =	- -	3,480
			DIFFERENCE - - - *Rs.*		1,67,148

PROPOSED PLAN.

	PER MENSEM.			PER ANNUM.	TOTAL.
	Rupees.			*Rupees.*	*Rupees.*
1st. Futteh Hyder	2,500	×	12 =	30,000	
Abdool Kholig	2,500	×	12 =	30,000	
Mohee-oodeen	2,500	×	12 =	30,000	
					90,000
Rs.	7,500				
2d. Yaseen Saheb	2,000	×	12 =	24,000	
Soobhan Saheb	2,000	×	12 =	24,000	
Shookur Ullah	2,000	×	12 =	24,000	
					72,000
Rs.	6,000				
3d. Sarroov-oodeen	1,000	×	12 =	12,000	
Gholam Mahomed	1,000	×	12 =	12,000	
Gholam Ahmed	1,000	×	12 =	12,000	
					36,000
Rs.	3,000				
4th. Hyder Hussein	1,000	×	12 =	12,000	
Harreem Saheb	1,000	×	12 =	12,000	
					24,000
Rs.	2,000				
5th. Two Princesses	600	×	12 =	- -	7,200
6th. Jamen-oodeen and Moneer-oodeen	400	×	12 =	- -	4,800
				Rs	2,34,000

(C.)

ALLOWANCES ASSIGNED TO THE MYSORE PRINCES.

	PER MENSEM. Rupees.			PER ANNUM. Rupees.	TOTAL. Rupees.
1st. Futteh Hyder	2,500	× 12	=	30,000	
Abdool Kholig	2,500	× 12	=	30,000	
Mohee-oodeen	2,500	× 12	=	30,000	
					90,000
Rs.	7,500				
2d. Yaseen Saheb	2,000	× 12	=	24,000	
Soobhan Saheb	2,000	× 12	=	24,000	
Shookur Ullah	2,000	× 12	=	24,000	
					72,000
Rs.	6,000				
3d. Surroov-oodeen	1,000	× 12	=	12,000	
Gholam Mahomed	1,000	× 12	=	12,000	
Gholam Ahmud	1,000	× 12	=	12,000	
					36,600
Rs.	3,000				
4th. Hyder Hussein	1,000	× 12	=	12,000	
Hurrein Saheb	1,000	× 12	=	12,000	
					24,000
Rs.	2,000				
5th. Two Princesses	600	× 12	=		7,200
6th. Jameh-oodeen and Maneer-oodeen	400	× 12	=		4,800
				Rs.	2,34 000

To the Honourable the Court of Directors of the East India Company, &c. &c. &c.

The Memorial of Prince Gholam Mahomed, only surviving son of the late Tippoo Sultaun, and grandson of Hyder Ali Khan, on his own behalf and that of the other members of his family:

Respectfully showeth,

THAT it is a proud distinction of the British Government, that it is accessible to the appeals of its dependents when aggrieved by a failure of that justice which is characteristic of the British Government. Your memorialist, feeling himself and his family seriously aggrieved in the matters hereinafter mentioned, submits his case to the consideration and sense of justice of your Honourable Court.

Your memorialist begs leave to state that the Earl of Mornington, the late Marquis of Wellesley, in his Despatch to the Commissioners for the settlement of the affairs of Mysore, dated Fort St. George, 4th June 1799, and to which your memorialist solicits your careful attention, authorised the then Colonel Wellesley, the present Duke of Wellington, to make provision for the family of the late Tippoo Sultaun, to the amount of three or four lacks of star pagodas; and in the 1st article of the Treaty of Mysore, made and entered into by the Government with the Nizam and other allies, it was settled, "That the Company engaging to provide effectually out of the revenues of the said districts for the suitable maintenance of the whole of the families of the late Hyder Ali Khan, and of the late Tippoo Sultaun, and to apply to this purpose, with the reservation hereinafter

hereinafter stated, an annual sum of not less than two lacks of star pagodas, making the Company's share as follows: Estimated value of districts enumerated in Schedule A.: Canteria pagodas, 7,77,170; deduct, provision for the families of Hyder Ali Khan, and of Tippoo Sultaun, two lacks of star pagodas, in Canteria pagodas, 2,40,000; remains to the East India Company, 5,37,170."

Your memorialist states that the reservation in said 1st article mentioned refers to that stated in article 6, *i. e.* "The East India Company shall be at liberty to make such deductions from time to time from the sums allotted by Article 1 for the maintenance of the said families as may be proper, in consequence of the decease of any member of said families; and in the event of any hostile attempt on the part of the said family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions, or the territory of the Raja of Mysore, then the said Company shall be at liberty to limit or suspend the payment of the whole or any part of the stipend stipulated to be applied to the maintenance and support of the said families."

Your memorialist begs leave to state that, so far from the necessities and pecuniary wants of said families having decreased, they have, in fact, increased with the members thereof; and that the descendants of said Hyder Ali Khan and Tippoo Sultaun are likely ere long to be reduced to considerable pecuniary distress, unless the said 1st article of the said Mysore Treaty be carried into effect, in the spirit of said treaty, and according to its literal terms and good faith.

Your memorialist further shows, that, ever since the said Treaty of Mysore, now upwards of half a century, this memorialist and all the family of Tippoo Sultaun, and Hyder Ali Khan, have conducted themselves with the strictest loyalty, and have never on any occasion during said long period, even in a single instance, caused the least annoyance to Government, nor has any suspicion ever rested in the least degree on this memorialist, or any member of the said family; and memorialist can with pride and satisfaction refer to all the Governor Generals, members of Council, and to the leading English residents in Calcutta during said period, with many of whom this memorialist has had the happiness of living on terms of intimacy and close friendship; and this memorialist says that he and his family have, during said long period of more than 50 years, complied with the restrictions upon their liberty and acts which the Government thought proper to impose, and have in good faith and feeling endeavoured to discharge their duties, and have been loyal and dutiful subjects; but this memorialist respectfully shows, that said recommendation of the Marquis of Wellesley, and the said 1st article of the Treaty of Mysore, have not been acted up to by the Government, but that same have been neglected, to the great injury of memorialist and the other descendants of Tippoo Sultaun. Your memorialist also begs to call your attention to the Resolution of the Governor General in Council, dated 19th October 1807, para. 4: "That no addition is to be made, nor any reduction, on account of any change in the number comprising the families, by marriages, births, deaths or otherwise, or on account of any other change of circumstance, but that the allowances are to be considered as the estate of the persons to whom they are assigned, for the deficiencies of which Government will not provide."

Your memorialist begs to state that this resolution has not been acted up to, but that the same and the recommendation of the said Marquis Wellesley, and the said 1st article of Treaty of Mysore, have been violated, and not kept with the families of said Tippoo Sultaun, and that said family has not received one-half of the provision so made by said treaty and intended.

Your memorialist begs leave to state that from the period of said treaty to this time the Government has accumulated a large amount of savings by the non-fulfilment of said treaty with memorialist and his family, and that the said savings, under and by virtue of said treaty, and in good faith, properly belong to the family of said Tippoo Sultaun, and should be paid to it, inasmuch as the Government got and took possession of the property in said treaty mentioned, upon the terms of the said treaty, and said 1st article thereof, and Schedule A. to said treaty annexed, upon the terms of paying to said family the sum of two lacks star pagodas, 2,40,000 Canteria pagodas, equal to seven lacks, and 40,000 sicca rupees, in said article, schedule and treaty specified; and that the Government has since held possession of said property, but has not paid any thing near the sum so provided as a provision for said family. Having greatly increased, it

is a matter of serious importance to said family, and to this deponent as head thereof, that the arrears due under said treaty be applied as they should have been under and by said treaty, and in accordance with good faith, the Government having had and still holding possession of the territory in said treaty mentioned, and which was set apart, amongst other purposes, for the purpose of paying said sum to the family of said Tippoo Sultaun.

Your memorialist begs leave to state that, by a reference to the Auditor General's office, it will be found that no less than 55 lacks has accumulated to the credit of the Mysore Fund, and that this sum, applied pursuant to the said treaty, and in accordance with said Resolution of 19th October 1807, paragraph 4, would relieve the distresses of the family, and put them in the position intended by the said recommendation of the Marquis of Wellesley and by said treaty, and the said Resolution of Council of the 19th October 1807, paragraph 4; and as this memorialist believes in the position which the British Government and the English nation would wish to see the descendants of the said Hyder Ali Khan and Tippoo Sultaun, it being inconsistent with the generosity and uniform conduct of the English nation not to keep faith with the vanquished, or to violate a deliberate treaty, particularly in the provision made by it for the family of a defeated adversary, and when this provision was one of the terms upon which a large and fertile territory was assigned to the Government for the payment of that provision, amongst other matters. And your memorialist shows that all his paternal property, even personal and private, and that of his father and ancestors, was ceded, and that his hopes and that of his family rest entirely on the fulfilment of that treaty, and the carrying it out in the spirit of the said Resolution of 19th October 1807, paragraph 4, and according to the recommendation of the Marquis of Wellesley before referred to, and indeed according to the literal meaning, intention, and spirit of said treaty.

Your memorialist therefore prays, that you will be graciously pleased at once to order an account to be taken of the sums which are now or ought to be to the credit of the Mysore family, under and by virtue of said treaty, after taking credit for all payments made thereunder; and that the balance so remaining, or which should now be to their credit, be paid and applied under and by virtue of said treaty and said Resolution of the 19th October 1807. Your memorialist hopes this Honourable Council will be pleased to direct that an account be at once taken of the sums which are or ought to be to the credit of said Mysore family, and to order and direct same to be paid and applied, pursuant to said treaty, and in the spirit of said Resolution of the 19th October 1807, and the recommendation of the Marquis of Wellesley, and in accordance with that justice, good faith and generosity which are and have long been the characteristics of the British Government and of the English nation.

And your memorialist will ever pray.

Russapuglah, (signed) *Gholam Mohumud.*
1 December 1851.

Extract Political Despatch from the Court of Directors of the East India Company to the Government of India; dated 18 August 1852, No. 27.

Para. 2. Prince Gholam Mahomed should be informed that the sum of two lacs of star pagodas per annum which, by an arrangement between the British Government and the Nizam, was assigned to cover the expense of a provision for the family of Tippoo Sultan, has not been regarded as the amount to be permanently expended for that purpose; and that the claim to it now preferred by him, retrospectively and prospectively, in behalf of the descendants of Tippoo, is wholly inadmissible.

3. We must again call your particular attention to the desirableness of encouraging the members of this, and similar families, to qualify themselves for employment in the public service, or other honourable occupations.

To the Honourable the Court of Directors of the East India Company.

The Memorial of Prince Gholam Mahomed, only surviving Son of the late Tippoo Sultan, and Grandson of Hyder Ali Khan, on his own behalf and that of the other members of his family, dated 1 December 1852.

[This memorial is *verbatim* the same as that dated the 1st December 1851,* with the following addition :] * Page 22 *et seq.*

And that your Honourable Court may take such measures as may be necessary to have the said Treaty of Nizam carried out in that good faith and integrity which becomes a great nation dealing with the family of the vanquished.

Your memorialist begs to state, that in former times, the grants of lands given by kings, nabobs, rajas and zemindars to people of different ranks, that the British Government even now, when they see the sunnuds or documents, give up those grants as free of revenue. [*sic in orig.*]

And your memorialist will ever pray.

Russapuglah,
1 December 1852.

Extract Political Despatch from the Court of Directors of the East India Company to the Government of India, dated 4 January (No. 1), 1854.

Memorial from Prince Gholam Mahomed.

2. Prince Gholam Mahomed, in his memorial, reasserts the claim of the family of Tippoo Sultan to the whole amount, retrospectively and prospectively, of the sum specified as a provision for them in the treaty concluded in 1799, between the British Government and the Nizam. He also maintains, that the reductions made on the death of stipendiaries are contrary to the pledge contained in Lord Minto's Minute of 19th October 1807, which declared that no alteration would be made in the stipends on account of any change in the number of persons composing the families, by marriages, births, deaths or otherwise.

3. You will inform the Shazada that the Treaty of 1799 expressly reserved to the British Government the right " to limit or suspend entirely the payment of the whole, or any part of the stipend," in the event " of any hostile attempt on the part of the family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions." The Vellore mutiny, in which one at least of the sons of Tippoo was proved to be implicated, constituted such a case as was contemplated in this article of the treaty. The family were then removed to Calcutta, and placed under greatly increased restraint; their allowances were withdrawn, and their expenses provided for by the State. In October 1807, Lord Minto's government thought that the restraints might be relaxed, and by the resolutions to which the memorial refers, stipends were again given to the family, irrespective of the sum mentioned in the treaty, which, so far as the Mysore princes are concerned, ceased to have effect from the time when a member of the family took part in a hostile attempt against the British Government. The allowances thus assigned to the Princes amply fulfilled all obligations, whether of justice or of generosity, towards the fallen family.

4. Lord Minto certainly declared that those allowances should be of fixed amount, and that each should be regarded as the private estate of the grantee. But, he added, " It must be expressed very explicitly, that this settlement is made only for the lives of the present princes respectively, and that on their decease, Government reserves to itself the right of considering anew the nature and amount of the provision to be made for their descendants and families." The allowances were accepted on this understanding.

5. Far from having any ground for complaining that Lord Minto's promises have not been kept, the family have been treated with greater liberality than

Lord Minto contemplated, since the right which he expressly reserved, of reducing the allowances on the deaths of the original grantees, remained unexercised from 1807 to 1841, and its exercise was then accompanied by the concession of a great pecuniary boon to the stipendiaries,—the grant of a separate provision for their grown-up sons.

6. We have been thus explicit in stating the reasons which justify the measures complained of by the stipendiaries, in the hope that the subject may be fully understood, and that the stipendiaries will cease to cherish the idea of supposed rights which are only imaginary. The provision made for them in 1799, was not the subject of any engagement with themselves. It was an act of spontaneous liberality on the part of the British Government, and a matter of arrangement between that Government and its ally the Nizam; and even as such it was made expressly dependent on a condition which has not been observed. The Nizam, moreover, by the treaty itself, left the British Government sole judge of the failure. All promises ever made to the family have been far more than fulfilled; but there is a point at which liberality must stop, and it would be contrary to our duty, when the public faith is in no way pledged, to continue a gratuitous assignment of the public revenue in favour of individuals, for an indefinite series of generations. The living members of the family have a just claim on us for support; but not so their unborn descendants.

7. While, however, we look forward to the gradual discontinuance of these and all similar stipends not secured by treaty or other binding engagement, and are desirous that the persons interested should be aware that such is our intention, justice requires that the rising generation of these families should receive every facility and encouragement to qualify themselves for, and to obtain honourable employment in the public service, or elsewhere. We recommend to your earnest consideration, the means of improving the education, moral and intellectual, of this class; and we repeat the intimation we have made on former occasions, that we should approve of your rewarding instances of merit and capacity in these families, by appointment to such public situations as the individuals may be qualified to fill.

To the Most Noble the Marquis of *Dalhousie*, G. C. B., Governor General of India, &c. &c. &c.

My Lord, London, 21 May 1854.

I HOPE your Lordship will permit me to offer my grateful thanks for the kind permission given to me to visit this wonderful country of England and its magnificent city of London, and for the great favour conferred upon me in the letters of introduction from your Lordship, of which I was the bearer, to persons of the highest distinction in the Government and society of this kingdom.

I have in consequence been honoured by being presented to Her Majesty, who was graciously pleased to receive me at dinner, at Her royal table, and at balls, distinctions which I feel that I owe entirely to the kind manner in which your Lordship was pleased to speak of me in those letters.

Before I left Calcutta, I addressed a memorial to your Lordship on the subject of the unfortunate position of the family of the late Tippoo Sultan, and I was informed that the representations it contained were made by your Lordship's Government the subject of a special reference to the Honourable Court of Directors.

Your Lordship has always been disposed to lend a favourable ear to the representations of the members of this family, and although I was unable to wait in Calcutta for the reply to this reference, I had every hope that the result, under your Lordship's recommendation, would have tended to place the concerns of the family on a footing satisfactory to them, and consistent with the high character of the British Government for justice and liberality.

Upon my arrival in London, therefore, I deemed it my duty to make immediate inquiries as to the result of your Lordship's reference and the fate of my memorial. I was informed kindly, by the Chairman of the East India Company, that the orders had been sent out to India; but upon my applying for a copy of those orders, I have received an intimation that it is inconsistent with the practice

practice of the Court to furnish a copy, and that I must wait a communication from your Lordship, either direct to myself or in a reply to the Court's orders. The Chairman, however, has kindly told me that the purport of these orders is not favourable, and I am led to apprehend from his communication that the authorities in this country are under a misapprehension in respect to the real nature of the position and claims of our family, which is the reason of my troubling your Lordship with this further letter.

When the city and fort of Seringapatam fell to the victorious arms of the East India Company, a treaty of partition was made between that Company and its allies for the division of the country so obtained by conquest, and in that treaty a separate portion of territory was taken by the East India Company as a provision for the family and dependents of my late father, Tippoo Sultan, under stipulations that left the application of the funds to the discretion of the Indian Government, subject only to the obligation of dealing fairly and liberally with the members of that family.

Colonel Sir Arthur Wellesley, afterwards Field Marshal the Duke of Wellington, was the British officer on whom devolved the duty of submitting a scheme of appropriation of the funds so set apart by treaty.

In his report on this subject your Lordship will find a liberal and just acknowledgment of the position and claims of the family upon the fund in question. We were removed, as your Lordship is aware, for reasons of state policy, from Seringapatam to Vellore, and were there retained, for the same reasons, under strict surveillance; but all our wants were liberally provided for under the arrangement of Sir Arthur Wellesley, and although the expenditure was kept considerably within the limits of the fund, the reason assigned was the necessity of making provision for the probability of further claims and for an eventual increase in the members of the family, as well as for the junior members, of which I was one, requiring, after reaching majority, separate establishments, and more ample provision for their maintenance.

Whilst matters were in this state, evil disposed persons fomented disaffection and mutiny amongst the East India Company's native troops in garrison at Vellore, and they rose against their officers and tried to destroy the Europeans, and to make themselves masters of the fort. In the course of this disturbance, the dangers of which we shared with all others residing within the fort, some of the mutineers made use of the name of a member of our family, and so raised a suspicion, that was quite unfounded, of our having been instigators of the plot and conspiracy that produced that outbreak.

It was in consequence determined, after the mutiny was suppressed, in order to prevent a similar use being again made of our name, to bring us away from Vellore, and to require all the members of the family to fix their residence in Calcutta.

This resolution having been been carried into effect in the year 1806, it fell to Lord Minto, then Governor General, to settle finally our position in that city, and our future relations with the government of the East India Company. His Lordship, accordingly, in October 1807, recorded a long minute, reviewing all that had passed, and distinctly declaring that he did not consider the claims of the family upon the liberality of the Government, and upon the fund at its disposal, to be diminished or at all injured or affected by the occurrences of Vellore; and he laid down rules under which each member of the family who was at the head of a separate establishment was placed in the enjoyment of a fixed income for life, from the time of his coming of age, subject to the condition that upon his decease the fresh appropriation should be at the discretion of the Government.

This minute of Lord Minto has always been considered by ourselves, as by the authorities in Calcutta, as the charter of our claims, and as the basis of all arrangements for our benefits.

One important addition was made in the year 1841, when the Honourable Court of Directors were pleased to sanction the allotment of a provision for sons arrived at maturity during the life of their fathers; in all other respects the arrangements of that minute have continued to the present day.

As a proof of the respect and estimation in which the Honourable Court have ever held the minute in question, I beg gratefully to call to your recollection that they desired its provisions to be strictly carried out, and ordered to be paid to myself the arrears of an increased stipend which Lord Minto had

allotted to me, as to be drawn on my coming of age; the Court liberally fixing an earlier period for the majority than the local government had before decided. It is upon these arrears that I have asked for interest also to be allowed to me. In like manner, benefits were assigned on more than one occasion to other members of the family, with the avowed intention of strictly adhering to Lord Minto's minute and arrangements, and giving to us all the full measure of its benefits.

I now learn, however, to my great mortification and astonishment, that the reply to my memorial, praying for a more liberal provision to be made, especially for the junior members of the family, brings into question the right of the family to receive prospectively and in perpetuity any permanent provision out of the fund in question, which was created by the stipulations of the treaty of Seringapatam, and has regularly ever since, up to the present day, been realised from the territory, and brought to credit in the accounts of the East India Company's Government, as a deposit especially appropriable to that object.

It has been maintained even, as I have been given to understand, that whatever rights we might have been considered to possess under the terms of the treaty, and the arrangements made to carry it out, were forfeited by reason of the events that occurred at Vellore, and the part some members of the family are erroneously stated to have taken in those events. But I feel well assured that your Lordship, after perusing the minute of Lord Minto above referred to, will not take this unfavourable view of our case, nor suffer the innocent and unfortunate members of this family to be made the sacrifice of such a misconception.

His Lordship in that minute distinctly states, in more than one place, that the claims of the family, upon the justice and liberality of the Government, could not be affected by any proceedings adverse to the Government, in which individual members of it might have engaged, even though such misconduct had been proved against them, which it was not, and all the arrangements indeed made by his Lordship, had specially in view, to carry out the provisions of the treaty of Seringapatam in our favour, on the assumption of its being in full force and effect; and his Lordship, not only did not consider and declare the funds set apart by that treaty, for our suitable maintenance to have lapsed, and to be confiscated in consequence of such alleged misconduct, but made the allotment of stipends to individuals, present and prospective, with particular reference to the annual amount so placed at the disposal of the Government for the benefit of the family; and the deposit fund continued to be realized and carried to account as a trust fund in deposit for that special purpose, and is still so borne on the public accounts of the East India Company, of which an abstract is annually laid before Parliament.

But I have been further informed, "that the stipulations made by Lord Minto in 1807, had reference solely to the princes then living, that in that year certain allowances were granted to them by his Lordship, but on a distinct understanding that such allowances were for their own lives only, and that they were to be subject to reductions on their death, which shows that Lord Minto never intended to continue the allowances to the descendants of the princes, to whom he granted them."

I earnestly entreat of your Lordship to read again carefully the whole of Lord Minto's minute, and to consider whether there is any one single word from the beginning to the end, to indicate that his Lordship, or any member of the government of that day, had the least idea or intention of making the fund placed at its disposal by the treaty of Seringapatam, a source of pecuniary profit to the East India Company, by appropriating as a lapse to the Government on the decease of each individual, the pensions and allowances granted by him to each of the sons of Tippoo Sultan.

No such intention is any where indicated, even in the case that they should die childless, much less when they should leave sons and daughters, who, in the nature of things, deprived as they were of all inheritance, or share in the personal property of their grandfather, could have nothing to look to for their maintenance, but this appropriated fund.

Lord Minto, it is true, gave to each of the sons of Tippoo Sultan only a life provision, which he declared to be forfeitable for misconduct, and secured against every other contingency.

But he declared also, that on the decease of each recipient the stipend should

pass

pass under the review of the government of the day, to be re-assignable with increase or reduction, according to the condition of the children and dependents left by the incumbent, with reference to the general claims of other members of the late Sultan's family. He declared that each incumbent's property and his stipend should be restricted to his life, not from any design to appropriate it as a lapse; but in order that there might be no right of sale or assignment in perpetuity, that it might not be taken by creditors, under decrees of court for debt, and that claims of inheritance might not be set up to defeat the power of Government to make specially for each case, the arrangements most beneficial for the family.

All this was wise as well as liberal, and we cheerfully submitted to the conditions.

It is now near 50 years since these arrangements were made by Lord Minto, for the appropriation of the funds set apart for the maintenance of the family of Tippoo Sultan and his dependents. In the whole of this period, up to the present day, the right of the Government to take the benefit of a lapse, upon the decease of a stipendiary as a source of revenue to the State has never been asserted; nor has this fund been dealt with as a financial resource of the Government, even in times of the greatest embarrassment.

The British nation has now triumphed everywhere, and has before it a prospect of permanent peace, prosperity, and redundant treasures. The present, therefore, we humbly submit, is not a time for the assertion of new claims in the nature of confiscations, on the ground of increasing government exigencies; and we confidently trust your Lordship will not apply such new principles of lapse and appropriation to the fund, which is the only source of provision prospectively to our family.

Your Lordship's Government has never taken the view of the liabilities of the fund, but has always treated it as a sacred appropriated trust, so much so, that very recently, when it was a question in what manner to provide a better means of instruction for members of the family, your Lordship's secretary distinctly referred to the fund in question, as still held by Government in deposit, and declared this to be an expenditure that might fitly be thrown upon it.*

But if your Lordship, as we fervently hope, retains the same sentiments towards the fund and towards the family of Tippoo Sultan, that have been displayed and recorded by your Lordship's predecessors, and by your Lordship, from Lord Minto even to the present day, it cannot fail to be apparent to your discernment, that while the fund has continued to accumulate, so as to reach a large amount, in the deposit account of the Government, it is a hard thing for the members of the family, to see that the total of the allowances made to them is continually diminishing, and to find themselves straightened in circumstances, and unable to maintain their credit in the world and their position in society, because of their narrow means.

It is far from our wish to be withdrawn from the guardianship of the Government, or to claim participation in the fund as an independent property. All I ask for myself and for my blood relations is, that the Government may deal with us with its accustomed liberality, and continuing to regard the fund which it holds in deposit, as a trust appropriable always as heretofore at its discretion, will make distribution of it in that spirit, letting the most worthy members of the family feel the benefit of its generosity, and withholding its liberality only from the undeserving.

Being now in England, I deem it my duty to submit a copy of this letter to the Honourable Court of Directors for their information, and to ask the Court to forward this original to your Lordship.

But I am quite aware that I can expect no decision or order from the Honourable Court until your Lordship shall have made your determination, and submitted your recommendation for the future.

May I therefore hope, that in considering the case with reference to the late orders of the Honourable Court, the circumstances to which I have ventured to refer in this humble representation will not be overlooked, and that I and my son,

* *See* Letter of Mr. Secretary Beadon, dated 16 January 1854, addressed to the Secretary to the Council of Education, para. 3.

son, and all the members of my family, may ever be regarded as zealous well-wishers of the Government of the East India Company, and anxious at all times to conform with its desires.

The particular requests that I have to submit are partly known to your Lordship, but without your Lordship's express permission, I refrain from entering upon them on the present occasion. Should your Lordship, however, regard favourably the claim of the family upon the fund, as a deposit appropriable for their benefit while deserving, an increase and equalization of the stipends of members equal in descent, and an assignment of funds to provide for the erection and repair of suitable residences, as well as to relieve some who are much distressed from debts and embarassments, are matters of pressing urgency: and it is my confident hope, that your Lordship will recommend the appropriation of a sum of five or six lacs of rupees out of the past accumulations of the fund to this latter object, leaving to me as head of the family, the suggestion of the manner in which the amount may best be applied and distributed amongst ourselves.

I have, &c.

Gholam Mohumed.

To the Chairman, Deputy Chairman, and Court of Directors of the Honourable East India Company.

Gentlemen, 13 February 1855.

I HAVE now been in England eleven months in expectation of learning the decision of your Honourable Court and of the Government and authorities of India, upon the questions submitted for consideration in my memorials laid before that Government in December 1851, and on the 10th March 1853, and although agreeably to the intimation conveyed to me when I solicited the Court for information as to the result, upon my first arrival in London, I immediately addressed the Governor General on the subject, I have not yet been fortunate enough to receive any reply, or other official communication of any kind from his Lordship, or from the Government of India.

In the meantime I have been waiting here at considerable inconvenience and expense; and under the apprehension that the authorities in India may not intend to take those matters again under consideration, or may have deemed themselves precluded from doing so, from some misunderstanding of the orders addressed to them by your Honourable Court, I take the liberty of again bringing my own case and that of the other members of the family of Tippoo Sultan, before your Honourable Court, and of earnestly soliciting such orders upon it, as will relieve me from my present uncertainty, and permit me to return to my family in Calcutta.

I beg it may be distinctly understood that in submitting the grounds on which I have asked for increased allowances to some members of the family, I make no claim of right, either on my own part or theirs, to anything specific; I am well aware that the Government of India, under your directions and orders, is vested with full power to regulate the stipends of every individual member, and it is far from our wish to be exempt from this discretionary power, or to hold our stipends on other terms than those settled in the minute of Lord Minto of October 1807, which met, I am informed, with your full and entire approval.

But I trust that the authorities here and in India will not regard the members of the Sultan's family in the light of ordinary pensioners and stipendiaries, who derive their allowances from the bounty of Government, independently of other claims than that addressed to its generosity. The funds allotted for our support are special, and recognized in the Partition Treaty between the East India Company and the Nizam, under which the Mysore territory is still appropriated. In this view the hereditary claim of our children stands on quite different grounds from that of other stipendiaries, whose allowances being paid from the revenue of the State could not be continued without injury to the public resources.

In our case the whole are provided from a fund separated from those resources, and the only question is to allot adequate allowances to those entitled, in such a manner as not to exceed the limit of the fund on one hand, and on the other to enable

enable the members of the family to live on a footing of respectability without inducements to excess. While I am the only surviving son of Tippoo Sultan, his grandsons are in number only 25, whose ages vary from 58 to 45; there are none younger, nor is the number likely to increase, and I humbly submit that it will not be unreasonable, in the present condition of the fund, to ask that all the grandsons shall be placed on such a footing as to circumstances as to be able to live in a becoming manner, and that none on this principle ought to receive less than 600 rupees per mensem, which is very moderate; there are some who receive now *Rs.* 543. 8. to whom the increase to 600 rupees per mensem will not make much difference. Their sisters are rather more in number, and their ages are from 62 to 45, many of them are childless widows, as will be seen by the accompanying list; the highest receives 261 rupees per mensem, and I humbly submit that they should all receive the same amount of 261 rupees per mensem, and thus be placed on the same footing, as they are of the same blood and rank. From the annual Mysore fund Goverment expends about two-thirds, for all our support, and the balance will be more than sufficient for the above purposes, leaving still a balance to accumulate if that should be deemed advisable.

In the next place I would suggest that the rank and character of the family would be promoted by certain members of it being selected to act as advisers of our superintendent, and as a permanent family council to settle their trivial disputes and disagreements (to which all families are liable). To those selected for this council, increased rank and consideration, and a special additional stipend might be allotted; and if this were established, the hope of obtaining the distinction would operate as a wholesome inducement to correct habits and create a desire to win esteem in the junior princes. There are several of the grandsons well qualified to execute this trust, and whom I can confidently recommend for this distinction. The number of great grandsons are only 15, and the great grand-daughters are fewer still, as will be seen by the list sent herewith. Of these only two sons and one daughter are young, the rest are all grown up men and women, averaging more than 20 years of age. I take the liberty to mention these particulars as they may be useful in assisting the deliberations of the Court of Directors on the subject, and take the liberty to append for ready reference a list of all the members of the family, with the allowances at present drawn by each. But the most important question with the grandsons of the late Sultan, is to obtain a recognition of their rank as princes of sovereign descent, as observed in all civilized countries, in consequence of their peculiar condition. Upon this point I have caused to be prepared by a professional gentleman a memorial, a copy of which I have the honour to enclose.

The above are the matters of general bearing to the interests of the family of the Sultan, which I am most anxious to submit for the consideration and final orders of the Court. But there are also some matters of personal interest to myself and others which I hope I shall not be considered presumptuous if I take this opportunity also to bring forward.

First. I have built and dedicated a mosque and some godowns, on ground purchased with my own funds in Dhurremtolla-street, Calcutta. It is subject to an annual ground-rent to Government of five rupees, and the godowns are assessed for municipal purposes at 13 rupees quarterly, but as the buildings are devoted to public religious purposes, I am very anxious to have them exempted from these charges.

Second. The Government have been kind enough to provide the family with a medical attendant from their service at 400 rupees per memsem, and until recently his prescriptions were made up for us at the Government dispensary gratuitously, but this has now been discontinued, which is a great inconvenience to our family. If it be against rule to make up medicines for us in the Government dispensary, a monthly allowance might be made to cover this expense, and obtain the object from some other establishment, and eventually the salary allowed to our medical attendant might be made to cover this charge.

Third. The ground purchased by Government for a cemetery for the family is now fully occupied, and the burial-ground requires enlargement, which I hope may be regarded a fit object to be effected by an appropriation from the Mysore fund.

Fourth. The expenses of the funeral ceremonies on the decease of any member of the family ought, I consider, to be provided from the Mysore fund, without charge to the monthly allowances settled on the heirs. These, as well as the Fatehah, and other weekly, monthly, and yearly religious ceremonies, also lighting, repairing, and keeping the tombs and graves in good order of four of the deceased sons of the late Sultan, and one deceased daughter, amounts to *Rs.* 434. 8., and the tombs, &c. of all the rest of the late princes, have nothing allowed for their religious ceremonies, repairs, &c. Under these circumstances, I propose that Government add *Rs.* 65. 8. to the above sum, and let the said committee of the Mysore princes have the entire management of the same, who will see that the usual ceremonies are performed carefully for the whole of the Mysore family now dead, or who may hereafter die at Russapuglah, which will relieve Government and the Honourable Court from further trouble in such matters, while under this new plan, all will share alike, and partake of the kindness of the Government.

Fifth. In 1811 Government purchased ground at Russapuglah for 4,500 rupees of the Mysore fund, and built thereon three small lower roomed houses, and gave the same as residences to three families of the Mysore princes. These houses are now almost in ruins, nobody being interested in repairing them because they belong to no one. I therefore, on the occupiers' behalf, solicit, that the Honourable Court exercising its usual liberality, will kindly relinquish the same to the parties at present occupying the premises, such kindness having been already shown to all others of the Mysore family.

Sixth. I would also beg to suggest that at the time of the marriage of any member of the Mysore family, a sum may be advanced from the Mysore fund for the marriage ceremonies, either as a free gift or under the condition that it shall be refunded in 12 months. It is the custom of the grandchildren, &c. to intermarry; very few of the female members of the family have married out of it; a dower for such as do, in aid of marriage, might conveniently be provided in the shape of Government paper, and vested in the names of the family council, under the control of Government through the superintendent.

I have thus taken the liberty to lay before your Honourable Court a statement of the principal matters to which I solicit your favourable consideration and orders. The great inconvenience of our suffering from the delay and suspense I have experienced while waiting a communication from the authorities in India, emboldens me to request that your Honourable Court, whose orders have always regulated all matters connected with the Sultan's family, will take the subject under your early consideration, and that I may be favoured with such a reply as will enable me to return to India without much further delay.

I have, &c.
Gholam Mohumed.

N. B.—Names of the four deceased sons and daughter of the late Sultan, above alluded to, for whose ceremonies at their tombs, the under-mentioned sums are expended:—

In August last, the Honourable Court justly ordered the restoration of Prince Ahmud's fatiah money.

	Rs.	*a.*
Prince Moizedeen	100	–
,, Moheodeen	104	8
,, Ahmud	100	–
,, Mooneeroodeen	80	–
Princess	50	–
Rs.	434	8

By the Mahomedan law all children are considered legitimate, whether born, as the English term it, in wedlock or not. The Mysore Treaty in 1799 mentioned two lacs of star pagodas to be set aside for the support of the family of the late Hyder Ally Khan and Tippoo Sultan, and no question arose as to their legitimacy.

legitimacy. In 1836, 1838 and 1845, according to our law, at the deaths of Princes Mooneeroodeen and Soobhan, their children's stipends were fixed by Government without any difference as to legitimacy, in corroboration of which, see Mr. Secretary Macnaghten's letter, dated 19th July 1836, in reply to Colonel Caulfield's letter, dated 27th May 1836, para. 24, and Mr. Secretary H. T. Prinsep's letter in 1838 to Colonel J. Caulfield, Superintendent, as to the arrangement of the stipend of the former Prince, and Mr. Secretary F. J. Halliday's letter to the Superintendent, dated 19th November 1845, relating to the arrangement of the stipend of the latter Prince, which letters are quite sufficient, I imagine, to remove the doubts (if any) as to the said legitimacy. All of the said Secretaries to Government were well acquainted with the Mahomedan laws. In 1843, under the superintendency of Colonel Ouseley, at the death of Prince Gholam Tippoo, his stipend was distributed amongst his children, without any difference as to legitimacy. However, I propose that from this period, the stipends of such children as may be born out of the pale of wedlock, shall be fixed at half that received by the sons and daughters of married or Nikah ladies, and which will be found to check illegitimacy, though, thank God, my children are all legitimate.

The present amount of the Mysore Deposit Fund in the hands of Government is fifty-seven lacs (57,00,000) of rupees, more or less, from which I ask for the liquidation of the debts due, and for repairing the residences of the Mysore family, the sum of six lacs (6,00,000) of rupees, as requested by me in my letter, dated 21st May 1854, to Lord Dalhousie, a copy of which is sent herewith.

The Names of the surviving Grandsons of the late Tippoo Sultan.

	Rs.	a.		
Prince Mookeem Odeen - - -	543	8		
Prince Unver Odeen - - -	543	8		
Prince Nizam Odeen - - -	543	8		
Prince Moonim Odeen - - -	491	4		
Prince Sayed Odeen - - -	313	8		
Prince Boorhan Odeen - - -	313	8		
Prince Shab Odeen - - -	313	8		
Prince Busheer Odeen - - -	350	–		
Prince Mahmood Shah - - -	350	–		
Prince Ruffee Odeen - - -	261	4		
Prince Ruhim Odeen - - -	261	4		
Prince Julal Odeen - - -	190	–		
Prince Auzim Odeen - - -	190	–		
Prince Pak Aucktar - - -	150	–		
Prince Allah Nuvage - - -	150	–		
Prince Nooroolhuck - - -	210	13		
Prince Feroze Shah, son of Prince Gholam Mohumed.	232	10		
Prince Hullim Ozamah - - -	232	10		
Prince Alle Gowher - - -	132	–		
Prince Feroze Shah, son of the late Prince Yasseen.	132	–		
Prince Khyroolah Khan - -	450	–		
Rs.	6,354	13		
	Rs.	a.		
Prince Kootub Odeen -	313	8		
Prince Auzeem Odeen -	261	4	- - -	These four aged princes have no issue and no expectations.
Prince Mahdee - -	190	–		
Prince Bahram Shah -	132	–		
	896	12		
Rs.	7,251	9		

The surviving Granddaughters of the late Tippoo Sultan.

	Rs.	a.	
10 Daughters of the late Prince Futty Hyder.	962	–	Three of these old ladies have no children; five receive 84 rupees each, 420 rupees; and the other five receive amongst them about 542 rupees.
2 Daughters of the late Prince Mohi Odeen, each 110/8.	221	–	Both of these old ladies have no issue, and one is a widow.
2 Daughters of the late Prince Moizedeen, each 109/11/6.	219	7	
5 Daughters of the late Prince Yasseen, each 66/.	330	–	Three of these old ladies have no issue, and four of them are widows.
5 Daughters of the late Prince Soobhan, each 75/.	375	–	One of these old ladies has no issue, and one is a widow.
3 Daughters of the late Prince Ahmud, each 115/.	345	–	Two of these old ladies have no issue, and one is a widow; their father received 2,090 rupees monthly.
2 Daughters of the late Prince Shookroollah, each 120/.	240	–	One of these ladies is unmarried.
2 Daughters of Prince Gholam Mohumed, each 116/.	232	–	Both are widows.
2 Daughters of the late Mooner Odeen, each 261/4.	522	8	These old widow ladies have no issue.
2 Daughters of the late Prince Soorodeen, each 261/4.	522	8	One of these old ladies has no issue; the other has only one son, 21 years of age.
Rs.	3,969	7	

Of the above-mentioned Begums, none are less than 44 years of age, and none above the age of 62.

The Great Grandsons of the late Tippoo Sultan, who receive a Stipend from Government since their Fathers' Deaths.

	Rs.	a.	
Ferrukseer; very ill, not expected to live; has neither mother, wife nor children.	190	–	Sons of the late Prince Mahumed Tippoo.
Khysur	190	–	
Shah Allum	156	12	Son of the late Prince Gholam Dustyees.
Feroze Shah	100	–	Son of the late Prince Jaffeer Odeen.
Hyder Sheekoh	62	13	Sons of the late Prince Mahumed Sultan.
Mahumed Sheekoh	62	13	
Suffeer Sheekoh	62	13	
Ahmud Sheekoh	62	13	
Two sons of the late Prince Mohumed Allie, each 100/.	200	–	
Nusseer Odeen Hyder	76	–	Sons of the late Sultan Hoossen.
And his brother	76	–	
A son of the late Sharreyar (no stipend).			Grandsons of the late Prince Yasseen.
A son of the late Prince Kykoobad	50	–	
Aftab Odeen	50	–	Grandson of the late Prince Jamah Odeen, who received 2,090 rupees monthly.
Rs.	1,340	–	

I suggest that the above great grandsons should be placed all on the same footing, and receive the same amount, viz., at the least 200 rupees per mensem, which is very moderate.

The

The Great Granddaughters of the late Tippoo Sultan.

	Rs.	a.
A Daughter of the late Prince Jaffeer Odeen	50	–
3 Daughters of the late Sultan Hassin, each 38 rupees	114	–
2 Daughters of the late Prince Russehed Odeen, each 30 rupees	60	–
1 Daughter of the late Mahumed Sultan	21	–
1 Daughter of the late Prince Golam Tippoo	95	–
1 Daughter of the late Prince Kykoobad	25	–
1 Granddaughter of the late Prince Jamah Odeen, who received 2,090 rupees monthly	25	–
Rs.	390	–

I beg to request that the above ladies should be placed all on the same footing, and receive the like amount, viz., at the least 100 rupees per mensem.

List of the old Widow Begums, and the Khawasses, or Maids of Honor, who have no children or heirs, and who receive a monthly stipend from the Government, and reside at Russapuglah.

	Rs.	a.
1 Widow Begum of the late Prince Yasseen	261	–
And his Khawasses, or maids of honor	75	–
1 Widow Begum of the late Prince Soobhan	300	–
And his Khawasses, or maids of honor	100	–
1 Widow Begum of the late Prince Shookroollah	300	–
And his Khawasses, or maids of honor	161	12
1 Widow Begum of the late Prince Sooroodeen	313	8
And his six Khawasses, or maids of honor	146	–
2 Khawasses of the late Prince Jamah Odeen	78	6
10 Khawasses, or maids of honor of the late Prince Futta Hyder	261	4
4 Khawasses, or maids of honor of the late Prince Abdool Khalick	115	–
Mother-in-law of the late Prince Mooneerroodeen	104	8
9 Khawasses, or maids of honor of the late Prince Mooneerroodeen	375	14
1 Khawass, or maid of honor of the late Prince Mooneeroodeen at Bengal	20	15
5 Khawasses of the late Prince Ahmud	146	–
1 Widow of the late Julal Odeen, Great Grandson of Tippoo Sultan	60	–
2 Khawasses, or maids of honor of the late Prince Golam Tippoo	32	–
2 Khawasses, or maids of honor of the late Prince Hyder Alle	33	5
2 Khawasses, or maids of honor of the late Prince Bakur	33	5
1 Khawass, or maid of honor of the late Prince Jaloh Odeen	35	–
6 Khawasses, or maids of honor of the late Prince Maheo Odeen	162	15
1 Widow Begum of the late Prince Golam Tippoo	500	–
8 Khawasses of her late mother	160	–
2 Khawasses, or maids of honor of the late Prince Golam Muhmood	32	–
Rs.	3,807	12

There are many other old ladies that receive stipends, of which I do not just now recollect the amount, but which can be known by the records of the Honorable Court: also several granddaughters and great granddaughters of the late Sultan, who have no issue, and at whose death their stipends will revert to the fund.

The Grandson and Granddaughter of Nawaub Hyder Ally Khan, or Nephew and Niece of the late Tippoo Sultan, and Son, Daughter and Widow Begum of the late Kureem Shah.

	Rs.	a.
Nawaub Golam Ally (60 years of age), son of Kureem Shah	731	8
His sister, an aged widow lady (has no issue)	104	8
Their mother, the Widow Begum of Nawaub Kureem Shah, aged about 80 years	104	8
Rs.	940	8

The above old gentleman and ladies are truly deserving the kindness of Government.

To the Honourable the Chairman and Deputy Chairman of the Court of Directors for the Affairs of the Honourable East India Company.

The Memorial of Prince Gholam Mohumed, only surviving Son of the late Tippoo Sultan, and Grandson of Hyder Ally Khan, for himself and the other members of their respective families,

Respectfully showeth,

That on the 1st December 1851, your memorialist forwarded a memorial to the Most Noble the Governor of Bengal, for transmission to your Honourable Court. In that memorial he referred in general terms to certain articles of the partition treaty of Mysore, by which an annual sum of two lacks of star pagodas was set apart for the suitable maintenance of the abovementioned families, and to the savings which had accumulated from the said annual sum, and had been placed to the credit of a separate fund, called "The Mysore Fund"; and your memorialist prayed your Honourable Court that an account might be taken of the said accumulations, and that, after all suitable deductions, the balance should be applied in terms of the said treaty, and of a certain resolution of the Governor General of Bengal in Council, dated the 19th October 1807.

In answer to his memorial, your memorialist received a letter from the under secretary to the Governor, forwarding extract of a Despatch from your Honourable Court, dated the 18th of August 1852, in which you were pleased to direct that your memorialist should be informed that "the sum of two lacks of star pagodas, which, by an arrangement with the British Government and the Nizam, was assigned to cover the expenses of a provision for the family of Tippoo Sultan, has not been regarded as the amount to be permanently expended for that purpose, and that the claim now preferred by him, retrospectively and prospectively, in behalf of the descendants of Tippoo, is wholly inadmissible."

Your memorialist, believing that your Honourable Court had not fully apprehended the nature or the object of his application, addressed a letter, on the 10th of March 1853, to the Most Noble the Governor General of India, pointing out what he thought your misapprehension of his claim, and requesting that his Lordship would be pleased again to forward his memorial for reconsideration by your Honourable Court. Your memorialist had previously applied for permission to visit this country, and an extract from your Honourable Court's Despatch of the 20th October 1852, in which you were pleased to accede to his application, having been communicated to him, he took his passage for this country, where he arrived on the 4th of April last. Soon after his arrival he was informed, on applying at the India House, that a Despatch had been recently forwarded from your Honourable Court to the Government of India, in which you were pleased to observe on the subject of the memorial, that "by the treaty of 1799, the stipends granted to Tippoo's family were also declared to be subject to reduction or resumption, in the event of their being concerned in any hostile attempt against the British Government, such as actually occurred."

Your memorialist presumes that the occurrence alluded to in your Honourable Court's Despatch is the outbreak which took place so far back as the year 1806, in the fortress of Vellore, among some of the dependents of the families, and in which your memorialist's late brother, the Prince Moiz-ood-deen, was supposed to have been implicated. Your memorialist was too young at the time to have any personal recollection of the transaction, but he begs respectfully to call the attention of your Honourable Court to the conduct of the Indian Government on the occasion, as indicating its opinion, either that the event itself could not fairly be characterised as "a hostile attempt against the authority of the contracting parties," or that the proof of Moiz-ood-Deen's implication in it was insufficient to justify the British Government in releasing itself from the obligations of the treaty. At all events, though the families were removed from Vellore to Calcutta, and some slight reductions were made in the allowances of the elder princes, suitable to the change of their residence, the British Government of the time did not enforce the penalty of the 6th article of the treaty against the innocent members of the family; and even as regarded Moiz-ood-Deen himself, though he was kept for some time in confinement, yet the government of Bengal at length determined to release him, and did restore him to the same footing as his surviving brothers of the same grade. All this was done by the Indian government

ment of the time, who had the best means of knowing the whole merits of the case. And your memorialist respectfully submits that it is now too late, after the lapse of nearly 50 years, to go back to the transaction in question, and refer to it as affording any sanction for a resumption of the stipends of the present members of the family, all of whom but one were unborn at the time, and that one (your memorialist) a person who was never so much as charged with any personal implication in it.

Your memorialist, therefore, hopes that he may still be permitted to refer to the treaty of 1799 as the subsisting charter of his own rights and those of the other members of the family of the late Tippoo Sultan; and he respectfully submits to your Honourable Court that the questions for your consideration are still the same as those suggested in his former memorial, and his letter of the 10th March 1853 to the Most Noble the Governor General of India, viz., what is the just construction of the treaty, as far as regards the family of the late Tippoo Sultan, and has that construction been fairly carried out in the treatment which the members of the family have experienced at the hands of the Bengal government.

Before referring more particularly to the terms of the treaty itself, your memorialist begs leave to call the attention of your Honourable Court to the letter addressed by the Earl of Mornington to the Commissioners of Mysore, dated 4th June 1799. In that letter he expressed the most generous solicitude for the honourable treatment of the Sultan's family. Having determined on their removal to Vellore, he points to his illustrious brother, then the Honourable Colonel Wellesley, whom he had selected for "this painful but indispensable measure," as one "likely to combine every office of humanity with the prudential precautions required by the occasion," and he directs "that no reasonable expense was to be spared to render their habitation suitable to their former rank and expectations," announcing it as "his intention to give them a liberal pecuniary allowance;" he authorises Colonel Wellesley to make the allotment "of a separate stipend to each branch of the family, as well as for the establishment of the zenana, provided that the total sum for the maintenance of the whole family be not stated at more than three, or at the utmost four lacks of pagodas." This was apparently the only limit placed to Colonel Wellesley's discretion; and he accordingly proceeded to make what he considered a suitable provision for the present and future wants of the family; not following blindly the generous impulse communicated to him by his brother, but carefully taking into his consideration the whole circumstances of the case. Tippoo Sultan left twelve (12) sons, of whom four were at Vellore and eight at Seringapatam. Of the former the youngest had attained the age of fifteen years, and all of them had "been accustomed to a degree of state of which it would have been indelicate to deprive them." Their stipends were accordingly fixed at the annual sum of 50,000 rupees each. "The same reasons did not apply to the younger sons, who had scarcely ever been allowed to pass beyond the limits of the zenana." What deduction would have been made on this account by Colonel Wellesley, in fixing their stipends, does not appear, as they were all too young to have separate establishments of their own, the eldest of them being only about eleven years of age. But the sum which he set apart for the maintenance of the whole family was sufficient to provide them with establishments nearly as liberal as those of their elder brothers. "The allowances made by Tippoo Sultan to his family and that of Hyder, including the whole expenses of the maintenance of every branch of the families, did not exceed 1,12,116 Canteria pagodas. It was however thought advisable to allot a larger sum for this purpose, as well with a view to meet the first expenses of settling the families in the Carnatic as the increased charge of maintaining the younger sons of the Sultan (eight in number) as they shall advance in years." The whole sum allotted was two lacks of star pagodas, which was more than double the above sum, though less by one half than the minimum fixed by the Governor General.

These details are taken from the "Memorial explanatory of the Partition Treaty," and are of some importance as showing the views of its framers in such parts of the treaty as were intended to make provision for the wants of the families. Your memorialist now begs to call the attention of your Honourable Court to the treaty itself. Its main object was to dispose of the territories conquered from your memorialist's father. By the first article certain parts of the territories were transferred in perpetual sovereignty to the East India Company, the said Company engaging to provide "effectually out of the revenues of the

said districts for the suitable maintenance of the whole of the families of the late Hyder Ally Khan and of the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lacks of star pagodas." The reservation is contained in the 6th article, which is as follows: "The English East India Company Behauder shall be at liberty to make such deduction from time to time from the sums allotted by the first article of the present treaty for the maintenance of the family of Hyder Ally Khan and Tippoo Sultan as may be proper in consequence of the decease of any member of the said family." The article then proceeds to state the penalty for any hostile attempt on the part of the said family against the authority of the contracting parties, to which your memorialist has already alluded. The sixth article was a necessary corollary to the first, and would have been quite unnecessary but for the engagement with the Nizam on the part of the East India Company to apply the annual sum of not less than two lacks of pagodas for the maintenance of the families. So far as the families were concerned the words "suitable maintenance" were sufficient without any qualification; for that which was only suitable for twelve persons would have been more than suitable if the number seriously diminished, and would have become altogether extravagant, and possibly dangerous to the peace of the contracting parties, if the large sum of two lacks of star pagodas had become the right of one or two persons. But it was necessary to guard each of the contracting parties from all interference by the other in the event of certain contingencies which might possibly happen. This was to be done by separate articles, and the 6th article of the Partition Treaty was inserted by anticipation to explain more fully what the contingencies were.

Your memorialist, therefore, respectfully submits that there is nothing in the 6th article to qualify or narrow the provision made by the first for the maintenance of the families, and nothing whatever in both the articles combined together, and as strictly as possible against the interest of the families, to justify the supposition that the provision was intended for those persons only who were then in existence, or was meant to be subject to any serious diminution so long as births supplied the vacancies made by death, and there was no diminution of the original number. Such a construction he submits to be utterly incompatible with the permanent character of the fund provided for their maintenance, and the principle on which the conquered territories were divided, as more clearly developed in the explanatory memorial. The first article of this document is as follows: "The principle of partition between the Nizam and the Company assumed in the first and second articles is, that each party should retain in direct sovereignty an equal share of unencumbered territorial revenue, deduction being made from both sides of the amount of the pensions or jaghires of which each party has agreed to bear the charge." This principle is carried out in the first and second articles with mercantile accuracy, for it is shown by a balance of accounts, that though the territories allotted to the East India Company yielded a larger revenue by 1,70,838 Canteria pagodas than those allotted to the Nizam, yet, as the burden on the latter was only 70,000 Canteria pagodas, while that on the former was 2,40,000 Canteria pagodas, the Nizam was an actual gainer on the whole by 162 Canteria pagodas yearly. Now, if it be supposed that the burdens were limited to the lives of the persons to be provided for on either side, or were even intended to be modified "on each occasion of the decease of a stipendiary" though he left children, the lapse of a single generation would have utterly destroyed that equality which was the very principle of the partition, and have turned the balance permanently against the Nizam by the whole 1,70,838 Canteria pagodas in favour of the Company. It is difficult to conceive that this was the view taken by the Nizam of the first and second articles even with any additional light supposed to be cast upon them by the sixth, and it is quite impossible to believe that there was any mental reservation of this sort in the mind of the Governor General when he laid down the principle of the treaty. To suppose this would be to convert this liberality to the family of his conquered enemy, into a fraud against his ally the Nizam, and a mere pretext for obtaining a larger share of territory for the Company than he could venture to claim openly. This is not to be imagined, and a construction of the treaty that would bring so scandalous an imputation on one of the most illustrious of your Governors General and magnanimous of men, ought not to be entertained for a moment. What, then, it may be asked, was the intention of the contracting parties with regard

regard to the future generations of the families for whose maintenance the Company engaged effectually to provide, and so ample and permanent a provision was made by the treaty. This, your memorialist submits, is to be found in the meaning of the words "families" and "family," which are used throughout the treaty, and the explanatory memorial, as well as the Governor General's instructions to the Commissioners as indicative of the objects of the provision. There must have been a copy of the treaty furnished to the Nizam in his own language. It is most probable that the original treaty signed by both parties was in the Persian language, which affords several words nearly synonymous with "family." Of these, not knowing what word was actually used, your memorialist respectfully submits that the very narrowest in its signification which he thinks it possible could have been employed is "furzundan" or children; that is, the children of Hyder Ally Khan and Tippoo Sultan. But even this word, as it has been frequently interpreted by the Company's courts of justice, is held to include all the descendants of a person connected with him through males, and in this sense it is considerably within the meaning of the English word "family." So that considering the term whether in English or in Persian, it is impossible to suppose, keeping in view the permanent character of the provisions, that the framers of the treaty did not mean to include all the future generations of the family, who should be connected in the manner above-mentioned with Hyder Ally Khan and Tippoo Sultan. Your memorialist is willing to take this very limited construction of the word "family," and he respectfully submits for the consideration of your Honourable Court that so long as there will be in existence, in the generations yet to come, any individual who can trace his connexion through males with the original stock, he will be entitled in his own right, and not by virtue of any representation of an intermediate ancestor, to be effectually and suitably maintained out of the permanent fund provided for the support of the whole family, of which he will be a member, subject no doubt to this necessary qualification, that whatever be the number of the family, the maintenance of the whole cannot exceed the sum originally set apart by the treaty, nor the maintenance of any member of the family exceed what may fairly be deemed to be effectual and suitable.

See Principles and Precedents of Mohamedan Law, by Sir W. H. Macnaghten, p. 333.

Your memorialist having thus fixed, as he hopes, the meaning of the word "family," will now proceed to submit for the consideration of your Honourable Court, what he deems to be the fair interpretation of the word "suitable;" and following the same principle as in the case of the other term, he will limit himself to the minimum amount of signification which he thinks can possibly be put on the term, with a due regard to the rules of fair interpretation. With regard to the four elder of the sons of Tippoo Sultan, the meaning of the words "suitable maintenance" was fixed by the framers of the treaty. For them, who had "been accustomed to a degree of state, of which it would be indelicate to deprive them," annual stipends of 50,000 rupees each were no more than suitable, according to the deliberate judgment of Colonel Wellesley and his co-commissioners. And it is of great importance to keep in view, that the whole fund was fixed at the sum of two lacks of star pagodas annually, and extra territory was taken to yield a surplus revenue to that amount, solely because such was necessary, according to the ideas which they entertained of the words "suitable maintenance." But for their notions on the subject the East India Company would never have had this extra territory, for it must have been shared with their ally the Nizam, on the principle of equal partition. It was not till about five or six years after that it became necessary to provide separate establishments for the three next of the sons of Tippoo Sultan. By this time all highly wrought feelings of generosity had subsided; and there was nothing to disturb the Commissioners in taking a sober view of the actual condition of the family and their future prospects. The annual stipend for the three sons of the Sultan was accordingly fixed by the Commissioners of that time at no more than half the sum allotted to the four elder, or 25,000 rupees for each. It is quite obvious, that in fixing this sum the Commissioners had no regard to the rank from which it can hardly be said that these younger sons had fallen, for they had never known what it was to be the sons of a sovereign ruler. But it was not thought necessary to degrade them below the rank of private gentlemen; and the sums fixed for their maintenance were quite sufficient to supply them with the comforts, and some of the luxuries enjoyed by persons in the better orders of society. Your memorialist was not one of those whose allowances were then fixed at the

annual sum of 25,000 rupees each. But the principle then laid down by the Commissioners was so far adopted by the Supreme Government of Bengal with regard to him and his other brothers, after the transference of the family to that Presidency, that it was determined that all the sons of Tippoo Sultan should receive separate stipends of 2,000 rupees per mensem, on their respectively attaining the age of 15 years. It was not, however, without the intervention of your Honourable Court, nor till the year 1835, though your memorialist had attained the age of 15 years in 1810, that he was retrospectively admitted to the benefit of this arrangement, and when so admitted it was without any allowance for interest, though he had been kept out of his just rights for more than 20 years, during which he had been obliged to borrow for the necessities of his increasing family, at rates of interest never less than 36 per cent. per annum.

At the time of the removal of the family to Bengal, some changes were made in the details of the maintenance to be allowed to its separate members, and a hereditary principle was introduced which, if carried out so as to limit the provision for the future descendants of each branch to the sums fixed for their heads, would, your memorialist submits, be contrary to the true intent of the treaty, which was effectually to provide a suitable maintenance for all, if the whole fund should be sufficient to afford it. The surviving princes were ranged into three classes; the first was composed of the two remaining out of the four elder princes, whose stipends had been originally fixed at 50,000 rupees annually, but they were now reduced to an average of about 30,000 rupees for the same period. The second was composed of the princes next to these in years, and whose stipends had been fixed at Vellore at 25,000 rupees annually, but were now reduced to 2,000 rupees per mensem. The third class was composed of the remaining sons, whose allowances were fixed at 1,000 rupees per mensem, though it was intended that they should be raised to the second rank when they attained the proper age. "The hereditary principle" adverted to was contained in the 4th of certain Resolutions then passed by the Supreme Government with regard to the family, which was as follows: "That no addition is to be made, or any reduction on account of any change in the numbers comprising the families, by marriage, births, deaths or otherwise, or on account of any other change of circumstances, but the allowances are to be considered the estates of the persons to whom they are assigned, for the deficiencies of which Government will not provide." By thus converting the allowances into estates of the persons to whom they were assigned, they became clearly hereditary, and that construction has been acted upon by the Government of Bengal, and their acts in this respect have been recognized and expressly sanctioned by your Honourable Court. The word "heirs," your memorialist respectfully submits, must be construed according to the law of the parties to whom the estates were assigned, which in this case was the Mahomedan law; and by that law the residue of the estate of a person who dies without leaving any children, after deducting an eighth for his widow or widows, and certain shares for his parents if they survive him, passes to his brothers. When there is one daughter, and no son, she has a half, and when there are two or more daughters, they have two-thirds, the residue going in each case to the brothers. The children of daughters, too, who, though by ceasing to be members of the Sultan's family, they might have had no right to maintenance under the partition treaty, would by this modification of it become necessarily entitled to so much of the estate assigned to their maternal grandfathers as had by succession become the estates of their mothers. On the whole, this Resolution of the Supreme Government, if fairly construed, would have been highly beneficial to the members of the family; and your memorialist in particular, who has survived all his brothers, would be entitled to the residue of all the sums assigned to them respectively as their separate estates in those cases in which they have died without leaving any children, and to large portions of them, in the cases where they have been survived only by daughters, after deducting an eighth in all cases where the party may have left a wife or wives.

This would have been the legal effect of converting the stipends into estates, but the Government reserved to itself by the sixth resolution some power of modifying the strict effect of law. This was done by the sixth resolution, which was as follows:—"That on the decease of the persons to whom the allowances are now assigned, Government reserves to itself the power of making provision for the widows, descendants, or other members of these families as shall

shall be deemed proper under the circumstances then existing." This enabled the Government to make such distribution of the estate as it might deem proper among the heirs themselves. But it was a power that was evidently intended for their benefit alone; and it cannot be supposed that there was any intention on the part of the Government that a power to make provision for other parties should ever be so worked as to accrue to its own benefit, by any permanent reduction from funds which it had erected into private estates by the fourth resolution.

When the above arrangement was made, there were none of the sons of the late Sultan who had children old enough to require separate establishments of their own; but in course of time it was found necessary to make some separate provision for the Sultan's grandsons, who had come to man's estate. The principle that they were entitled to some sort of maintenance out of the general fund, without waiting for the decease of their parents, was at length tardily admitted by the Government of Bengal. This was no more than justice to the parents, for the stipend of 2,000 rupees per mensem, which had been fixed as a suitable maintenance for them, ceased to be so, when they had to provide out of it appropriate establishments for their grown-up sons. Justice to the grandsons would have equally required the assignment of a "suitable maintenance" for them also out of the general fund, as they were equally with their fathers members of the late Sultan's family. The sums actually assigned to them were, however, far short of this; for all that was determined in their favour was, "that allowances not exceeding in the aggregate one-third of their father's stipend shall for the future be granted to sons on their coming of age, and forming a separate establishment." It was not till the year 1841 that this very imperfect and tardy measure of justice was extended to the grandsons of the late Sultan; and your memorialist respectfully submits that he and the others of his late brothers, who had grown-up sons, for whom they were obliged to provide establishments out of their own allowances long anterior to this arrangement, are entitled to its benefit retrospectively from the times that their sons became respectively of the age of 15 years.

The arrangement above mentioned was sanctioned by your Honourable Court in your Despatch of the 21st April 1841, but with a qualification which made another most material change in the condition of the Sultan's family. Before adverting to the particular part of the Despatch which is contained in the 19th paragraph, your memorialist begs respectfully to call your attention for a moment to some expressions in the preceding paragraph, which indicate the feeling with which your honourable predecessors had by this time begun to contemplate the members of this unhappy family.

The 18th paragraph commences with adverting to a commutation of the stipends of the Mysore princes, proposed by Colonel Caulfield, which was abandoned from its being unacceptable to the parties concerned. These parties were the princes themselves, and the reason assigned for abandoning the plan shows the consideration with which they were treated up to this time by the Bengal Government. The paragraph then alludes to means under the consideration of the same Government "of improving the condition of these stipendiaries," and to certain propositions by Captain Ouseley "for adding to the allowances of the poorer members of the family from the amount of the stipends which have at different times lapsed to Government," all showing, as your memorialist gratefully acknowledges, the beneficent feelings entertained up to this time by the Bengal Government towards the family. To the above propositions your honourable predecessors refused their compliance for reasons which are thus stated:—"Our right is clear, both by the letter and spirit of the treaty, not only to resume stipend on failure of heirs, but to re-consider their amount on each occasion of the death of a stipendiary. There is neither policy nor humanity in perpetuating at the public expense a constantly increasing body of idle, and therefore, in most cases, worthless pensioners." Your memorialist will advert to this passage again, but in the meantime he solicits attention to the last sentence because he thinks that to it, and the tenor of the Despatch generally, may be ascribed in some measure what he considers a change in the feelings of the Bengal Government to the members of the family, and the harsh treatment which some of them have since experienced at its hands.

After the above expressions of the Court's opinion with regard to the family

generally, the Despatch then proceeds in the 19th paragraph to give its sanction to the plan of granting "allowances not exceeding in the aggregate one-third of their father's stipends to sons on their coming of age in the following terms. On this principle allowances have at once been granted to the amount of 2,201 Company's rupees per month. We do not object to these grants, but we think that the system which they introduce should be considered as entirely superseding the previous system of hereditary succession to stipends, and that you ought not in future to consider the whole of the father's allowances as necessarily to be divided among the children."

The indication of the Court's opinion contained in the last sentence has been understood by the Bengal Government as a cancellation of the principle of hereditary succession, and accordingly they have not only felt themselves at entire liberty "to consider the amount of stipend on each occasion of the death of a stipendiary," but to consider it with a view to resumption for the benefit of Government, and the interposition of some kind of check upon an "unlimited increase of families." The manner in which this has been done will be sufficiently exemplified by a single instance; and your memorialist takes the most recent example, which is that of the disposal of his late brother Prince Mahomed Soobhan's stipend at the time of his death.

The allowances granted to his children and dependent relatives were as follows:—

	Rs.	*a.*	*p.*
Widow Begum - - - - - - - - - -	300	–	–
4 Sons, *Rs.* 150. 2. 6. each - - - - - - -	600	10	–
5 Daughters, *Rs.* 75. 1. 2. each - - - - - -	375	5	10
1 Stepmother - - - - - - - - - -	50	–	–
1 Khowass, the mother of Prince Soobhan's son, named Pak Akhtur, and her son.	35	–	–
1 Ditto of late Tippoo Sultan - - - - - - -	25	–	–
1 Infant grandson, and his mother, a khowass of the late Shahzadah Rusheedoodeen.	20	–	–
TOTAL - - - *Co.'s Rs.*	1,445	15	10

	Rs.	*a.*	*p.*
Stipend of the deceased, and the grant of one-third to his children - - - -	2,786	10	8
Deduct, now sanctioned	1,445	15	10
Saving, *Co.'s Rs.*	1,340	10	10

According to the above distribution there will be a saving of *Co.'s Rs.* 1,340. 10. 10., as shown in the margin, which will of course revert to Government.

The above extract is taken from Mr. Secretary Halliday's letter to the Officiating Superintendent of the Mysore Princes, dated 19th November 1845. The principal allowances were regulated according to Mahomedan law, by which sons are entitled to double shares with daughters, and a widow is entitled to an eighth share of her husband's estate. But in this case the widow's share was taken as an eighth of the whole of her husband's stipend, instead of an eighth of *Rs.* 1,445. 15. 10., which was the sum divided among his heirs as his estate. She had thus 300 rupees instead of 180 rupees per mensem, at the expense of the other heirs. Two of the sons have since died without children, but one has left a widow. After deducting an eighth of 150 rupees per mensem as the share of this widow, the remainder of their stipends has been resumed by Government. The stepmother and two khowasses are also now dead, and their stipends have been resumed in like manner, so that the resumptions already amount to 390 rupees per mensem; and when the Begum dies there will be a further accession of 300 rupees, making together 690 rupees per mensem. On the principle of hereditary succession laid down by Lord Minto's resolutions, the whole 2,000 rupees per mensem would have ultimately devolved on the children of your memorialist's late brother, the Prince Soobhan Mahomed; according to the modification of the principle introduced by the Despatch of the 21st April 1841, the whole of that sum will be absorbed in a single generation, and the surviving children are already left with somewhat less than the pittance granted to sons alone during the lifetime of their father.

Your memorialist looks to a similar fate for his own children. It is true that his sons have somewhat more at present than has been allotted to the children of his late brother, but so had his brothers' children also in their father's lifetime; and it was that very provision which was considered a sufficient reason and compensation

pensation for reduction at their father's death. Your memorialist cannot but look with alarm to the fearful prospect thus placed before his own sons. They are now treated with nearly the same consideration as himself, that is, as the descendants of a sovereign ruler. But he has nothing to leave them, and he has no right to expect that at his death they will be treated differently from the children of his late brother. A munificent provision, it is true, was made for them by the Marquis of Wellesley, but of that they were deprived by the resolutions of Lord Minto. A moderate allowance was still secured to them by these resolutions, but from that they are cut off by the Despatch of the 21st April 1841. That Despatch emanated from the predecessors of your Honourable Court, and it is therefore to your Honourable Court alone that he can apply for redress. The Bengal government is powerless in the matter. There may have been some harshness in their proceedings to the children of the late Prince Soobhan, but they were taught by the Despatch to look with a Pharaoh's eye on the increase of the whole family. The descendants of the late Sultan were denounced as a "body of idle and worthless pensioners, whom it was neither policy nor humanity to perpetuate at the public expense," and it was impossible not to infer that it was the wish of your honourable predecessors that some means should be adopted to check their unhappy tendency to increase. That could be done only by discouraging marriage; but when resolved upon it was better to do the thing effectually at once. Among Mahomedans equality is deemed almost essential to marriage, and it is the duty of a parent to find equal matches for all his children. Your memorialist and his late brothers were enabled to perform this duty in some manner out of their more liberal allowances. But this will be impossible for their sons when reduced to pittances of 150 rupees a month. In such circumstances marriage must cease, and it is therefore probable that with the existing generation the family of Tippoo Sultan will become entirely extinct.

Your memorialist now begs leave to revert to that sentence of the Despatch in which your honourable predecessors asserted their right to be clear, "not only to resume stipend on failure of heirs, but to reconsider their amount on each occasion of the death of a stipendiary;" that is, to consider with a view to reduction for the benefit of Government, as the phrase has been construed by the Bengal Government. Your memorialist respectfully submits that this was a mistake on the part of your honourable predecessors, and that the Mysore treaty gave no such power as is here assumed. Moreover, that if it had, the resolutions of Lord Minto formed a valid engagement on the part of Government, and could not justly be set aside without an adequate consideration or the consent of the whole family. Your memorialist respectfully reminds your Honourable Court that the stipends which were thus to be resumed had not been granted by the East India Company, nor by any preceding Government to whose right they had succeeded. They were purely a creation of the partition treaty, and the result of a joint sacrifice of territory by the Honourable Company and his Highness the Nizam. That but for the Sultan's family the sacrifice would never have been made, and that it could never have been contemplated by the parties that this part of the treaty should have been so worked as to be made subservient to the interest of the East India Company. Even in the case of an hostile attempt by any member of the family, there is nothing said of resumption, and the idea of an appropriation by the East India Company, except in the case of an entire failure of objects, your memorialist verily believes never entered into the heads of any of the parties. The word "resume" is not used at all, it is only the word "suspend," which has quite a different signification; and though the word "entirely" is added to "suspend," that cannot alter its essential meaning and stretch it into a power, resume, which implies appropriation. Your memorialist therefore respectfully submits that your honourable predecessors entirely mistook the relation in which they were placed by the Mysore treaty with respect to the provision thereby made for the family of the late Sultan. They were only the trustees or administrators of the fund provided by that treaty, with a right of reversion, it is true, in the entire failure of the family for whom the provision was made, but a right which must necessarily remain in abeyance so long as there is a possibility of heirs. In the meantime, on a partial failure by the decease of any son of the late Sultan without children, they had only a right to suspend, and all the stipends so suspended should be

retained as a fund to supplement the exigencies of the family. So long as in the generations of the future there will be a single individual entitled by the Mahomedan law and customs to be considered a member of the family of Hyder Ally Khan and Tippo Sultan, he will be entitled to look to this fund, with all its vast accumulations, as a security for the suitable maintenance of himself and his descendants who can trace their connexion through males with the parent stock. The lapsed stipends are in this respect strictly of the same character as the Suitor's fund in Chancery, or the unclaimed dividends at the Bank of England, and cannot with justice be appropriated to the purposes of the State until the lapse of such a time as will preclude the chance of a maintenance being ever claimed out of them by persons who can show a valid title.

That this is not an overstrained view to take of the lapsed stipends, is shown, as your memorialist submits, by the manner in which they have been treated by the Indian Government with the sanction of your Honourable Court. They have never been resumed or even touched, but are still kept sacred and separate from the revenues of Government under the name of the Mysore Fund. Accordingly, when it was determined to make allowances to grandsons during the lifetime of their fathers, it was from the "funds realised from lapsed stipends," that the allowances were made. In the year 1839 these funds had amounted to 55 lacs of rupees, they are still rapidly increasing, and your memorialist believes that at the present time they cannot be short of 60 lacs. And all this by accumulations of principal alone, without any allowance for interest.

But if it was a mistake in your honourable predecessors to suppose that they had a right to resume on failure of heirs, much more was it so to suppose that they had a right to consider with a view to resumption on the death of a stipendiary, though he left children. Their whole right of consideration in such an event was, your memorialist submits, a right to be exercised, not for their own benefit, but for the benefit of the children and the surviving members of the family, who, if their maintenance had fallen short of what was suitable for any want of funds, had a right to increase of stipend if the death of any member of the family afforded the means. All the consideration which the Government could at any time exercise for their own advantage, was comprised in the word "suitable." Everything above a suitable maintenance for all the members of the family, Government is entitled to retain, without any reference to the death of "a particular stipendiary."

While the Mysore fund has increased to so vast an amount on the one hand, the family, for whom alone the provision was originally made, have sunk in proportion on the other. At first every member of the family was to have had a maintenance suitable to his condition, and his security for this was the whole fund set apart by the Partition Treaty. Next, the family was divided into branches, and the maintenance and security of each branch were narrowed to a sum of 2,000 rupees per mensem, which they were never to exceed; but that sum was erected into an estate, with the right of hereditary succession. Thirdly, this right of hereditary succession was taken away, and the children of each son left at the death of their father at the mercy of the Bengal Government. And, finally, the family has been brought down to so low a condition that 150 rupees a month, or the salary of a section writer in Calcutta, is thought a suitable maintenance for a prince, the grandson of a sultan, while the princess, his widow, is deemed to be sufficiently provided for by an allowance of 18 rupees a month, or somewhere about half the wages of the wife of a private soldier, who takes service in the families of one of the servants of the East India Company.

It is quite impossible to believe that Lords Wellesley or Minto ever contemplated such a result from the arrangements which they were making for the family of Tippoo Sultan.

Your memorialist will not detain your Honourable Court any longer. The whole case is now before you. It is simply judicial, and is unembarrassed by a single political consideration. So far as the memorialist and the rest of the family are concerned, the treaty is a contract between two parties for the benefit of a third, with only this difference between it and ordinary contracts, that one of the contracting parties has been solely entrusted with the arrangement for carrying it into execution. But this only enhances the obligations of the party so entrusted. He becomes a trustee in the strictest sense of the term, and as such is bound to construe in the way least favourable to himself any clauses in the

the contract that may seem to make for his own advantage. This is the rule which regulates all trusts. But your memorialist has no wish to avail himself of it. All he wants is an equal consideration for all the articles of the treaty, and that attention should not be confined to such parts of it only as admit of being construed in favour of the East India Company.

This your memorialist submits has been too much the case hitherto. But he hopes for better things from your Honourable Court; and to obviate the possibility of any misapprehension of the nature of his claim, he begs leave to state it in the following distinct propositions to your consideration :—

First. He submits that by the Partition Treaty each individual descendant of the late Hyder Ally Khan and Tippoo Sultan, who can show himself to be, according to Mahomedan law and custom, a member of their families is entitled to have a suitable maintenance assigned and secured to him out of the annual sum of two lacks of star pagodas set apart by the treaty, and its accumulations. That this maintenance ought to be such as to enable the individual to maintain the rank of an Indian gentleman, and should not be less than the sum originally fixed by the Mysore Commissioners, and confirmed by Lord Minto as suitable for the younger sons of the Sultan, viz., 2,000 rupees per mensem.

Second. He submits as a consequence of the first proposition, that his own sons and the sons of his late brothers were entitled to a suitable maintenance as soon as they attained to mature age, which is fixed by the Mahomedan law at puberty, and that such maintenance ought to have been assigned to them respectively from, at latest, the times that they respectively attained the age of 15 years.

Third. He submits that by Lord Minto's resolutions the sum of 2,000 rupees per mensem was assigned to each son as a separate estate, which was not in future to be liable to any increase or reduction, and that at the death of each son the whole of that annual sum becomes the right and estate of his heirs according to the Mahomedan law.

Fourth. He submits that the resolutions of Lord Minto were so far inconsistent with the Partition Treaty, in that they made no provision for sons during the lifetime of their fathers.

Lastly. Your memorialist submits that he and the other members of the family are entitled to the full benefits of one or other of the arrangements above mentioned, that is, to the full benefits of the Partition Treaty, as stated in the two first propositions, or of Lord Minto's resolutions, supplemented by a suitable provision for sons during the lifetime of their fathers, and that whichever of these arrangements may be adopted, your memorialist and the other members of the family are entitled to have that arrangement carried out to all its consequences according to the strict application of law.

Your memorialist, therefore, prays your Honorable Court that you will be pleased to take the whole premises into your consideration, and direct an account to be made up according to one or other of the schemes above mentioned; and if it should appear that there is anything due to your memorialist or any member of the family, that you will cause the same to be paid, and that you will further direct such arrangements to be made with regard to the family as will secure to all its members in future their full rights according to whichever of the schemes may appear to your Honourable Court to be most just under all the circumstances of the case.

And your memorialist will ever pray, &c.

Yours, &c.

(signed) *Gholam Mohumed.*

Oriental Hotel, Vere-street, London.
13th February 1855.

From the Secretary to the Court of Directors of the East India Company to His Highness Prince *Gholam Mahomed*, dated 29th June 1855.

I HAVE received and laid before the Court of Directors of the East India Company your letter, dated the 13th of February 1855, enclosing a memorial soliciting in general terms, that their indulgent consideration should be extended to yourself and the members of your family. In reply, I am commanded to communicate to you the following observations :—

The Court have invariably discouraged the transmission of memorials to them through any other channel than that of the Indian Government; but in consideration of your rank and character, they have waived this general objection in your favour. They observe with satisfaction that you disavow all intention to prefer "any claim of right, either on your own part, or on that of other members of the family to anything specific." The Court feel bound to record their adherence to the promises and principles of Lord Minto's Minute of the 19th of October 1807, as well as to the proposed gradual extinction of their position of dependence. The Government of India will be instructed to deal as liberally with the members of your family as may appear strictly consistent with this view.

In recognition of your position as the only surviving son of Tippoo Sultan, and the respectability of your character, the Court have determined to direct the Government of India to make an addition to your pension of 1,000 rupees per mensem, to commence from the date of your arrival in India; and as a further mark of their approbation, and to enable you to return to India in a manner suitable to your rank and position in society, they have resolved to present you with the sum of Three thousand pounds (3,000 *l.*)

(signed) *James C. Melvill.*

FOREIGN LETTER from the Governor General of India to the Court of Directors of the East India Company, dated Ootacamund, 6th August (No. 7,) 1855.

Para. 1. I HAVE the honour to transmit for the information of your Honourable Court, copies of the papers enumerated in the accompanying Abstract of Contents, regarding the claims advanced on behalf of the Mysore family, by His Highness Prince Gholam Mahomed, together with a letter to the address of the prince, which I beg your Honourable Court will cause to be delivered to him.

2. While I am compelled to negative the claim which the prince has advanced, as of right, on the part of himself and the Mysore family, I feel confident that I am only expressing the sentiments of my honourable colleagues at the Presidency, when I assert that any consideration which your Honourable Court may now be disposed to show the prince himself, will be viewed with satisfaction by the Government and by the community.

3. Prince Gholam Mahomed is now the only surviving son of Tippoo Sultan. In his life and character he has set a praiseworthy example to all his countrymen, and especially to princes and chiefs in positions resembling his own. He is universally respected and esteemed by the whole European community, as well as by his own countrymen, and I have long been happy to regard him as a personal friend. I am convinced, therefore, that the entire public would be not less gratified than myself, if your Honourable Court should now be pleased to bestow upon the prince some increase to his personal stipend, which at present amounts to 2,090 rupees, as an additional proof of your kindness and generosity.

4. A communication will shortly be made to your Honourable Court regarding the views of the Government, regarding the future provision for the Mysore family.

(signed) *Dalhousie.*

NOTE

NOTE by the Secretary, dated 24th November 1854.

Stipends of the Mysore family. Prince Gholam Mahomed's memorial.

THE Government of Bengal, in a letter, No. 885, dated the 29th April last, have referred for the consideration and orders of the Government of India, the question of the best mode of carrying out the instructions of the Honourable Court of Directors (contained in their Despatch in the Political Department, No. 1 of this year), regarding the future treatment of the family of Tippoo Sultan.

The part of that Despatch which refers to this subject, is in answer to a memorial from Prince Gholam Mahomed.

In that memorial the Shahzadah who had previously memorialised the Honourable Court, re-asserted the claim of the family of Tippoo Sultan to the whole amount retrospectively and prospectively, of the sum of two lakhs of star pagodas, specified as a provision for them in the Partition Treaty of Mysore, concluded in 1799, between the British Government and the Nizam. He also maintained that the reductions made on the death of each stipendiary were contrary to the pledge contained in Lord Minto's Minute of the 19th October 1807, which declared that no alteration would be made in the stipends on account of any change in the number of persons composing the families by marriages, births, deaths, or otherwise.

In their reply, the Court say:

"You will inform the Shahzadah that the Treaty of 1799 expressly reserved to the British Government the right to limit, or suspend entirely, payment of the whole or any part of the stipend, in the event of any hostile attempt on the part of the family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions. The Vellore mutiny, in which one at least of the sons of Tippoo was proved to be implicated, constituted such a case as was contemplated in this article of the treaty. The family were then removed to Calcutta, and placed under greatly increased restraint; their allowances were withdrawn, and their expenses provided for by the State. In October 1807, Lord Minto's Government thought that the restraints might be relaxed, and by the resolutions to which the memorial refers, stipends were again given to the family, irrespective of the sum mentioned in the treaty, which so far as the Mysore princes are concerned, ceased to have effect from the time when a member of the family took part in a hostile attempt against the British Government. The allowances thus assigned to the princes, amply fulfilled all obligations, whether of justice or of generosity, towards the fallen family.

4. "Lord Minto certainly declared that these allowances should be of fixed amount, and that each should be regarded as the private estate of the grantee. But, he added, 'It must be expressed very explicitly that this settlement is made only for the lives of the present princes respectively, and that on their decease Government reserves to itself the right of considering anew the nature and amount of the provision to be made for their descendants and families.' The allowances were accepted on this understanding.

5. "Far from having any ground for complaining that Lord Minto's promises have not been kept, the family have been treated with greater liberality than Lord Minto contemplated, since the right which he expressly reserved of reducing the allowances on the deaths of the original grantees remained unexercised from 1807 to 1841, and its exercise was then accompanied by the concession of a great pecuniary boon to the stipendiaries, the grant of a separate provision for their grown-up sons."

6. "We have been thus explicit in stating the reasons which justify the measures complained of by the stipendiaries, in the hope that the subject may be fully understood, and that the stipendiaries will cease to cherish the idea of supposed rights, which are wholly imaginary. The provision made for them in 1799 was not the subject of any engagement with themselves. It was an act of spontaneous liberality on the part of the British Government, and a matter of arrangement between that Government and its ally the Nizam, and even as such it was made expressly dependent on a condition which has not been observed.

The Nizam moreover by the treaty itself left the British Government the sole judge of the failure. All promises made to the family have been more than fulfilled. But there is a point at which liberality must stop; and it would be contrary to our duty when the public faith is in no way pledged to continue a gratuitous assignment of the public revenue in favour of individuals for an indefinite series of generations. The living members of the family have a just claim on us for support, but not so their unborn descendants."

7. "While, however, we look forward to the gradual discontinuance of these and all similar stipends not secured by Treaty or other binding engagements, and are desirous that the persons interested should be aware that such is our intention, justice requires that the rising generation of these families should receive every facility and encouragement to qualify themselves, and to obtain honourable employment in the public service or elsewhere. We recommend to your earnest consideration the means of improving the education, moral and intellectual, of this class, and we repeat the intimation we have made on former occasions, that we should approve your rewarding instances of merit and capacity in these families by appointment to such public situations as the individuals may be qualified to fill."

The Governmentof Bengal has, as directed, communicated these orders to the Mysore family, and in the letter now submitted it makes suggestions towards carrying them into effect.

These suggestions are prefaced by some explanatory remarks.

The Most Noble the Governor General had, it is stated, in dealing with a Despatch from the Honourable Court, No. 37, dated 5th November 1851, in which the expediency of encouraging the descendants of Tippoo Sultan to engage in useful pursuits and blend with the general population, was recommended to the attention of Government, called for information regarding the terms of the original grant to the Mysore family, and the amount and distribution of it at that time.

The Despatch which had just been received had distinctly declared upon what footing the pensioners now stood; that question was therefore at rest.

The present distribution of the sum granted to the part of the Mysore family resident in Bengal is then shown.

The amount distributed is *Rs.* 22,868. 5. 4. a month, or *Rs.* 274,419. 15. 2. per annum. There are 54 male and 156 female stipendiaries, of whom 30 receive stipends of 200 rupees a month, or upwards.

With regard to measures for bringing about the objects the Honourable Court have in view, it is observed that something has been done by "improving the school maintained for the education of the younger branches of this family, and for converting it into a boarding school where the youths may be at all times under the charge of a master responsible for their moral as well as for their intellectual education."

The following suggestions are then made:—

1st. That no pensions should be, under any circumstances, granted to any descendants of the family now unborn.

2d. That after a certain date, say 1st May 1860, no allowance in the form of a life pension be granted (except on special exceptional cases) exceeding the amount which may be sufficient to secure a decent subsistence to the recipient, and that applications for commutation of stipends either in enjoyment or in prospect to money payments once for all, or in periodical instalments, may be favourably entertained by any members of the family desirous of engaging in any trade or useful pursuit.

Note.—This statement is not quite a correct one; the allowance is made to the sons, and not to their fathers.

In the third place it is brought to notice that "the Superintendent of Mysore Princes strongly advocates the abrogation of the rule under which members of the family who have any grown-up children are allowed an addition to their stipend to the extent of one-third of the amount, on the supposition that such addition is necessary to enable them to start their children in life." This rule, it is said, "defeats the desired object," and "deprives the younger branches of the family of all stimulus to self-exertion."

In conclusion, it is observed, "His Lordship is desirous that the general question of discontinuing the grant of fresh stipends to the members of the Mysore family, and of holding out inducements to them to earn their own livelihood and

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blend with the general population, may receive the attention of the Governor General in Council, the subject being one of considerable importance."

Since the receipt of the letter from the Government of Bengal, of which the substance has been detailed above, a letter from Prince Gholam Mahomed to the address of the Most Noble the Governor General, dated London, the 21st May last, on the same subject, has likewise been received.

In his letter the Shahzada states, that on arriving in London, and making inquiries at the India House, he learnt that orders had been sent out to this country in reply to his memorial. He was refused a copy of these orders, but was told that they were unfavourable: their tenor was, however, communicated to him, and satisfied him that the authorities in England were under a misapprehension in respect to "the real nature of the position and claims" of the Mysore family: he has addressed the Governor General, with a view of having the misapprehension corrected.

He states, first, "that by the Partition Treaty entered into by the East India Company and the Nizam on the fall of Seringapatam, a separate portion of territory was taken by the East India Company as a provision for the family and dependents of my late father, Tippoo Sultan, under stipulations which left the application of the funds to the discretion of the British Government, subject only to the obligation of dealing fairly and liberally with the members of that family."

He then, in the second place, refers to a report by Sir A. Wellesley, afterwards the Duke of Wellington, which, however, is not to be found on the records, "on whom devolved the duty of submitting a scheme for the appropriation of the funds so set apart by treaty," and states, that in it "his Lordship will find a liberal and just acknowledgment of the position and claims of the family upon the fund in question."

His third allegation is, that when the family was, for reasons of state policy, removed from Seringapatam to Vellore, it was liberally provided for under the arrangement of Sir A. Wellesley; and "although the expenditure was kept considerably within the limits of the fund, the reason assigned was the necessity of making provision for the probability of further claims, and for an eventual increase in the numbers of the family, as well as for the junior members, of which I was one, requiring, after reaching majority, separate establishments, and more ample provision for their maintenance."

He states, fourthly, that while matters were in this state, the mutiny of Vellore broke out; that the name of a member of the Mysore family having been used by some of the mutineers, an unfounded suspicion arose that they were instigators of the plot, and that, to prevent a similar use being again made of their name, they were removed from Vellore to Calcutta

Fifthly. That after this, in October 1807, Lord Minto, who was Governor General, settled finally their position and relations with the Government; and in a long Minute, "after reviewing all that had passed," distinctly declared "that he did not consider the claims of the family upon the liberality of the Government, and upon the fund at its disposal, to be diminished or at all injured and affected by the occurrences at Vellore," and laid down rules, "under which each member of the family who was at the head of a separate establishment was placed in the enjoyment of a fixed income for life, from the time of his coming of age, subject to the condition that upon his decease the fresh appropriation should be at the discretion of Government."

Sixthly. That Lord Minto's Minute had always been looked upon by themselves and by the authorities in Calcutta "as the charter of our claims, and as the basis of all arrangements for our benefit, and that, with the exception that in 1841 the Court of Directors sanctioned the allotment of a provision for sons arrived at maturity during the lives of their fathers, in all other respects the arrangements of that Minute have continued to the present day." In proof of the last allegation, he refers to the circumstances under which he recovered certain arrears of stipend to which he was entitled by Lord Minto's arrangement at an earlier date than the local Government were willing to admit that he was.

The Shahzada then proceeds to discuss the orders which he understands the Court of Directors to have passed on his memorial. He says, "I now learn, however, to my great mortification and astonishment, that the reply to my memorial, praying for a more liberal provision to be made, especially for the junior members of the family, brings into question the right of the family to receive in

perpetuity any permanent provision out of the fund in question, which was created by the stipulations of the Treaty of Seringapatam, and has regularly ever since up to the present day been realised from the territory, and brought to credit on the accounts of the East India Company's Government as a deposit especially appropriable to that object. It is maintained, even as I have been given to understand, that whatever rights we might have been considered to possess under the terms of the treaty, and the arrangements made to carry it out, were forfeited, by reason of the events that occurred at Vellore, and the part some members of the family are erroneously stated to have taken in those events. But I feel well assurred that your Lordship, after perusing the Minute of Lord Minto, above referred to, will not take this unfavourable view of our case, nor suffer the innocent and unfortunate members of this family to be made the sacrifice of such a misconception."

"His Lordship in that Minute distinctly states, in more than one place, that the claims of the family upon the justice and liberality of the Government could not be affected by any proceedings adverse to the Government, in which individual members of it might have engaged, even though such misconduct had been proved against them, which it was not; and all the arrangements indeed made by his Lordship had specially in view to carry out the provisions of the Treaty of Seringapatam in our favour, on the assumption of its being in full force and effect; and his Lordship not only did not consider and declare the funds set apart by that treaty for our suitable maintenance to have lapsed, and to be confiscated in consequence of such alleged misconduct, but made the allotment of stipends to individuals, present and prospective, with particular reference to the annual amount so placed at the disposal of the Government for the benefit of the family; and the deposit fund continued to be realised and carried to account as a trust fund in deposit for that especial purpose, and is still so borne on the public accounts of the East India Company, of which an abstract is annually laid before Parliament.

"But I have been further informed, that the stipulations made by Lord Minto in 1807 had reference solely to the princes then living; that in that year certain allowances were granted to them by his Lordship, but on a distinct understanding that such allowances were for their own lives only, and that they were to be subject to reductions on their death, which shows that Lord Minto never intended to continue the allowances to the descendants of the princes to whom he granted them.

"I earnestly entreat of your Lordship to read again carefully the whole of Lord Minto's Minute, and to consider whether there is any one single word from the beginning to the end to indicate that his Lordship, or any member of the Government of that day, had the least idea or intention of making the fund placed at its disposal by the Treaty of Seringapatam a source of pecuniary profit to the East India Company, by appropriating, as a lapse to the Government on the decease of each individual, the pensions and allowances granted by him to each of the sons of Tippoo Sultan.

"No such intention is anywhere indicated, even in the case that they should die childless, much less when they should leave sons and daughters, who, in the nature of things, deprived as they were of all inheritance or share in the personal property of their grandfather, could have nothing to look to for their maintenance but this appropriated fund.

"Lord Minto, it is true, gave to each of the sons of Tippoo Sultan only a life provision, which he declared to be forfeitable for misconduct, and secured against every other contingency.

"But he declared also that, on the decease of each recipient, the stipend should pass under the review of the Government of the day, to be reassignable, with increase or reduction, according to the condition of the children and dependents left by the incumbents with reference to the general claims of other members of the late Sultan's family. He declared that each incumbent's property and his stipend should be restricted to his life, not from any design to appropriate it as a lapse, but in order that there might be no right of sale or assignment in perpetuity, that it might not be taken by creditors under decrees of Court for debt, and that claims of inheritance might not be set up to defeat the power of Government to make specially for each case the arrangements most beneficial for the family.

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"All this was wise, as well as liberal, and we cheerfully submitted to the conditions.

"It is now near 50 years since these arrangements were made by Lord Minto for the appropriation of the funds set apart for the maintenance of the family of Tippoo Sultan and his dependents. In the whole of this period up to the present day, the right of the Government to take the benefit of a lapse upon the decease of a stipendiary, as a source of revenue to the State, has never been asserted, nor has this fund been dealt with as a financial resource of the Government even in times of the greatest embarrassment.

"The British nation has now triumphed everywhere, and has before it a prospect of permanent peace, prosperity, and redundant treasures. The present, therefore, we humbly submit, is not a time for the assertion of new claims, in the nature of confiscations, on the ground of increasing Government exigencies, and we confidently trust your Lordship will not apply such new principles of lapse and appropriation to the fund, which is the only source of provision prospectively to our family.

"Your Lordship's Government has never taken this view of the liabilities of the fund, but has always treated it as a sacred appropriated trust; so much so, that very recently, when it was a question in what manner to provide a better means of instruction for members of the family, your Lordship's secretary distinctly referred to the fund in question as still held by Government in deposit, and declared this to be an expenditure that might fitly be thrown upon it.

"But if your Lordship, as we fervently hope, retains the same sentiments towards the fund and towards the family of Tippoo Sultan that have been displayed and recorded by your Lordship's predecessors and by yourself, from Lord Minto even to the present day, it cannot fail to be apparent to your discernment, that, while the fund has continued to accumulate so as to reach a large amount in the deposit account of the Government, it is a hard thing for the members of the family to see that the total of the allowances made to them is continually diminishing, and to find themselves straightened in circumstances, and unable to maintain their credit in the world and their position in society, because of their narrow means.

"It is far from our wish to be withdrawn from the guardianship of the Government, or to claim participation in the fund as an independent property. All I ask for myself and for my blood relations is, that the Government may deal with us with its accustomed liberality, and, continuing to regard the fund which it holds in deposit as a trust appropriable always, as heretofore, at its discretion, will make distribution of it in that spirit, letting the most worthy members of the family feel the benefit of its generosity, and withholding its liberality only from the undeserving."

The Shahzada concludes by making the following requests:

"The particular requests that I have to submit are partly known to your Lordship; but, without your Lordship's express permission, I refrain from entering upon them on the present occasion. Should your Lordship, however, regard favourably the claim of the family upon the fund, as a deposit available for their benefit, while deserving an increase and equalization of the stipends of members equal in descent, and an assignment of funds to provide for the erection and repair of suitable residences, as well as to relieve some who are much distressed from debts and embarrassments, are matters of pressing urgency, and it is my confident hope that your Lordship will recommend the appropriation of a sum of five or six lacs of rupees, out of the past accumulations of the fund, to this latter object, leaving to me, as the head of the family, the suggestion of the manner in which the amount may best be applied and distributed amongst ourselves."

The substance of the two letters before Government having in the foregoing paragraphs been set forth as briefly as seemed consistent with a full statement of the case, it may be convenient to extract in this place such portions of the Partition Treaty of Mysore as relate to this subject.

"Article 1.—It being reasonable and just that the allies by this treaty should accomplish the original objects of the war (viz., a due indemnification for the expenses incurred in their own defence, and effectual security for their respective possessions against the future designs of their enemies), it is stipulated and

agreed, that the districts specified in the Schedule A., hereunto annexed, together with the heads of all the passes leading from the territory of the late Tippoo Sultan to any part of the possessions of the English East India Company Behadoor, of its allies, or tributaries, situated between the Ghauts on either coast, and all forts situated near to and commanding the said passes, shall be subjected to the authority, and be for ever incorporated with the dominions, of the English East India Company Behadoor, the said Company Behadoor engaging to provide effectually out of the revenues of the said districts for the suitable maintenance of the whole of the families of the late Hyder Alli Khan and of the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lacs of star pagodas, making the Company's share as follows:

"Estimated value of districts enumerated in the Schedule (A.), according to the statement of Tippoo Sultan in 1792, Canteroy pagodas - - - - - - - - -	7,77,170
"Deduct provision for the families of Hyder Alli Khan and Tippoo Sultan, two lacs of star pagodas, in Canteroy pagodas - - - - - - - - - - -	2,40,000
"Remains to the East India Company - - -	5,37,170

"Article 2.—For the same reason stated in the preceding article, the district specified in the Schedule (B.) annexed hereunto shall be subjected to the authority, and for ever united to, the dominions of the Nabob Nizam-ul-Dowlah Asoph Jah Behadoor, the said Nabob having engaged to provide liberally, from the revenues of the said districts, for the support of Meer Kummer-ud-Deen Khan Behadoor, and of his family and relations, and to grant him for this purpose a personal jagheer in the district of Gurrumcondah, equal to the annual sum of 2,10,000 rupees, or of 70,000 Canterai pagodas, over and above and exclusive of a jagheer, which the said Nabob has also agreed to assign to the said Kummer-ud-Deen Khan for the pay and maintenance of a proportionate number of troops, to be employed in the service of his said Highness, making the share of his Highness as follows:

"Estimated value of the territory specified in Schedule B., according to the statement of Tippoo Sultan in 1792, Canteraie pagodas - - - - - - - - -	6,07,332
"Deduct personal jagheer to Meer Kummer-ud-Deen, 2,10,000 rupees, or - - - - - - - - -	70,000
"Remains to the Nabob Nizam-ul-Dowla Asoph Jah Behadoor - - - - -	5,37,332"

"Article 6.—The English East India Company Behadoor shall be at liberty to make such deductions from time to time from the sums allotted by the first article of the present treaty, for the maintenance of the families of Hyder Alli Khan and Tippoo Sultan, as may be proper, in consequence of the decease of any member of the said families; and in the event of any hostile attempt on the part of the said family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions or the territories of the Raja of Mysore, then the said English East India Company Behadoor shall be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend hereinbefore stipulated to be applied to the maintenance and support of the said families."

SEPARATE ARTICLES appertaining to the Treaty of Mysore, concluded on the 22d of June 1799 (corresponding to the 17th of Mohurrum, anno Hegira 1214) between the Honourable English East India Company Behadoor and the Nabob Nizam-ud-Dowlah Asoph Jah Behadoor.

"Article 1.—With a view to the prevention of future altercations, it is agreed between his Highness the Nabob Nizam-ud-Dowlah Asoph Jah Behadoor and the Honourable English East India Company Behadoor, that to whatever amount the

the stipends appropriated to the maintenance of the sons, relations and dependents of the late Hyder Alli Khan and Tippoo Sultan, or the personal jageer of Meer Kummer-ud-Deen Khan, shall hereafter be diminished in consequence of any one of the stipulations of the Treaty of Mysore, the contracting parties shall not be accountable to each other on this head."

It may be mentioned here, that the Partition Treaty of Mysore met with the full approval of the Honourable Court of Directors.

Immediately after the mutiny of Vellore, the Madras Government determined that it would be politic to remove the Mysore family to Calcutta: they were sent there accordingly: the Governor General, Sir George Barlow, in his Minute, dated 11th August 1806, thus expressed himself regarding that measure:

"The removal of the princes appears highly judicious: even if their intrigues have had a greater share in the propagation of disaffection than I supposed them to have had, their removal will suppress the hopes of the disaffected, and, combined with the abrogation of the Government orders, will dispose them to revert to their duty of allegiance, the existence of which can alone produce security."

"Another great advantage of removing the princes will be, that it will tend to produce a general belief that they are, or are considered to be, the sole origin of the transactions at Vellore."

On the 24th September following the Governor General recorded a Minute upon the proceedings of the Commission appointed by the Government of Fort St. George to investigate the origin of the mutiny at Vellore, from which the following paragraphs, which bear more immediately upon the point, are extracted.

He observed: "These proceedings also elucidate the hitherto obscure, but most important question of the degree in which the family of Tippoo Sultan was concerned in producing the insurrection, or aided in its progress." His opinion on this subject was stated as follows:

"I shall now proceed to state the conclusions I have deduced regarding the degree of guilt which attaches to the family of Tippoo Sultan from the proceedings of the Commission, combined with those of the Military Court of Inquiry, and to submit to the Board my opinion with regard to the measures which should be adopted for the present custody and future disposal of the princes now arrived at this Presidency."

"At the time when we signified our concurrence in the measure proposed by the Government of Fort St. George, of sending the sons of Tippoo Sultan to Bengal, the tenor of the despatches from that Government afforded just reason to conclude that the princes generally were concerned in the mutiny at Vellore. That opinion indeed formed the foundation of the resolution of the Government of Fort St. George to remove them from the coats. The proposition contained in my Minute of the 4th ultimo to place them in the closest custody, and to provide by every possible means against their escape, and against the practicability of their employing intrigues of the nature which they were considered to have practised at Vellore, was the necessary result of such a supposition. On a perusal of the proceedings of the Commission, however, my judgment was satisfied that no evidence existed of the participation of any of the sons or relations of Tippoo Sultan in the mutiny, excepting Moiz-oo-Deen; that very slight grounds of suspicion existed against Moheeoodeen, and that the rest of the sons and relations were entirely innocent of the charge."

"I have deemed it highly important, however, previously to a final determination with regard to the present and future treatment and disposal of the princes, to concentrate all the evidence adduced before the Military Court of Inquiry and the Commission tending in any degree to implicate the princes in the mutiny of the garrison of Vellore; and I have now the honour to submit to the Board a report upon that subject, from which it will clearly appear to the Board that the strongest presumptive, if not positive proof exists of the active participation of Moizoodeen in the mutiny, that scarcely any well-founded suspicion attaches to Moheeoodeen, and that the rest of the princes are unquestionably innocent."

* * * * * *

"I am of opinion that great advantage has been derived from the removal of the princes to Bengal. It affords a public proof that the late disturbance (which will no doubt have been reported throughout the Peninsula with great exaggerations)

rations) has been completely suppressed, and the hopes of those who have contemplated the revival of the Mussulman power in the family of Tippoo must have been entirely extinguished. The return of the princes to the Carnatic might restore those hopes, and give new activity to the sources of future projects and intrigues. The expense of providing for their accommodation in a manner consistent with public honour and justice, appears to me to constitute the only objection to the measure of assigning to them a permanent residence in Bengal. But the political grounds of it are, in my judgment, so forcible, that considerations of expense must yield to their superior urgency. But even the expense will ultimately be counterbalanced by the diminution of the annual amount hitherto assigned for the princes, which, for reasons subsequently stated, appears to me to be indispensably necessary."

* * * * *

"I propose that the sons and brothers of Tippoo Sultan be placed in the condition of State prisoners, as at Vellore, but be allowed every degree of reasonable comfort and convenience consistent with the security of their persons, and with the prevention of the means of intrigue and corruption; that a certain number of the females of their respective families, and all their children, be permitted to join them; that their attendants be provided in Bengal, and none of their connections or dependents be allowed to follow them; that their stipends be either entirely suspended or considerably abridged, as may hereafter be judged most expedient, Government supplying them with everything requisite for their comfort and convenience.

"I am aware of the great increase of the number of their descendants to be expected from the junction of their family; and the question naturally arises, with reference to future time, whether the whole of their descendants shall continue in the condition of State prisoners. It is not necessary at present to determine this question; but my opinion is, that the grandsons of the princes, perhaps even at a future time the younger sons, may be permitted to reside wherever they think proper in Bengal on moderate pensions. They may be expected to form connexions in Bengal which will detach them from the native country of their grandfathers, and will render them, like other descendants of high families, dispersed throughout these provinces: few will have the means or the desire of proceeding to Mysore, and if they should proceed into that country, it cannot be supposed that they would possess the power of reviving the obsolete cause of Tippoo: still less would they possess sufficient weight and influence to excite a party in these provinces. Thus, in the course of time, the family will cease to be a burthen upon Government."

* * * * * *

"It would be inconsistent with the principle of the arrangement proposed for the custody of the princes to admit of their retaining money or jewels: while they possess the means of corruption, no precautions can promise security.

"The same principle suggests the necessity of entirely suspending or considerably reducing the amount of their former stipend."

These arrangements were accordingly carried out, and reported home. The Honourable Court of Directors, in replying, under date the 19th August 1807, signified their approval of the resolution to retain the princes permanently in Bengal. They entirely concurred in that part of the report, prepared from the proceedings of the Vellore Commissioners, which stated that the strongest presumptive, if not positive proof, existed of the actual participation of Moizeoodeen, the fourth son of Tippoo Sultan, and approved of his being kept in strict confinement, and approved of the measures adopted towards the other princes; and in conclusion they observed:—

"We trust that every expense attending the care and maintenance of the princes and their families will come within the two lacs of pagodas set apart by the Partition Treaty of Mysore for that purpose, in which is to be included the allowance to such of the families and relations of the princes as may be remaining upon the Court; the allowances to Lieutenant Colonel Richardson, whom you have vested with the military custody of the princes; and the additional allowance to the magistrate of the 24 pergunnahs, whom, as a police officer, you have entrusted with their general superintendence."

So matters remained till the arrival of the families of the princes from Madras, when

when a change of arrangements was made under the following orders of Government, dated 23d July 1807:

"I am directed to acknowledge the receipt of your letter of the 10th instant, and to communicate to you the following resolutions and orders of the Honourable the Governor General in Council on the subject of the stipends to be assigned for the support of the families of the Mysore princes, and on other points connected with that arrangement.

"2. The plan submitted with your letter above acknowledged was framed with reference to the principle stated in Mr. Edmonstone's letter to you of the 9th ultimo, and your calculations appear to the Governor General in Council to have proceeded on the most equitable and fair consideration of the actual wants of each family. That principle, as applied to the families of the princes, still appears to the Governor General in Council to constitute the most just measure of allowance which can be adopted in forming a general arrangement for their subsistence, and the sums which you have proposed for the maintenance of each individual appear to Government to be fully adequate to their support.

"3. With respect, however, to the personal allowance to the princes, the Governor General in Council has, on full consideration, determined to adopt a different principle, viz., that of dividing the princes into classes in the manner in which they were divided at the period when the original settlement was made by the Commissioners for the affairs of Mysore, and assigning to the individuals composing each class allowances of equal amount, and bearing a due proportion to those to be assigned to the members of the other classes.

"4. Besides the other advantages attending this plan, there is every reason to suppose that it will be more congenial to the feelings and prejudices of the princes than the mode of apportioning the personal allowances which was suggested by you in conformity to the principle stated in your instructions of the 9th of June.

"5. The Governor General in Council has therefore determined to adopt the plan above stated, and to fix the amount of the personal allowances to the princes with reference to the classes in which they will be placed, and the allowances to the family of each prince with reference to the number and rank of the individuals composing it.

"6. With respect to the amount of the allowance, it has been stated in the preceding part of this letter, that the sums proposed by you for the members of each family are, in the opinion of the Governor General in Council, fully sufficient for their maintenance, and that rate of allowance is accordingly sanctioned by Government.

"7. In fixing the personal allowances, it is necessary to bear in mind the principle on which the whole arrangement of the pecuniary affairs of the families proceeds, viz., to fix the allowances on such a scale as shall preclude the means of accumulation, while it shall provide for the enjoyment of every comfort, and no more.

"8. Upon this principle the Governor General in Council has determined to fix the personal allowance for the princes of the first class at 500 sicca rupees per mensem; that of the second, at 300 per mensem; and that of the others in proportion.

"9. The amount to be appropriated to the maintenance of each family will then stand according to the enclosed Statement.

"10. The personal allowances to the princes of the third class are to be raised to a level with those of the second class, agreeably to the original arrangement, when they shall have respectively attained the age of 15 years.

"11. The Governor General in Council remarks, that this arrangement, with respect to the family allowances, cannot be considered to be permanent, but must necessarily be subject to such future alterations as the state of the families and other circumstances may require."

"STATEMENT of ALLOWANCES assigned for the Support of the Mysore Princes and their Families.

FIRST CLASS:		
Futteh Hyder:		
Personal allowance	500	
Family	1,286	
Servants	803	
		2,589
Abdool Khalik:		
Personal	500	
Family	438	
Servants	422	
		1,360
Mohee-oo-Deen:		
Personal	500	
Family	705	
Servants	542	
		1,747
SECOND CLASS:		
Yaseen Sahib:		
Personal allowance	300	
Two brothers, at 100 rupees each, Zoneer-oo-Deen and Moneer-oo-Deen	200	
Family	397	
Servants	403	
		1,300
Soobhan Sahib:		
Personal	300	
Family	630	
Servants	418	
		1,348
Shookur Oollah:		
Personal	300	
Family	582	
Servants	398	
		1,280
THIRD CLASS:		
Suroor-oo-Deen:		
Personal	100	
Family	498	
Servants	268	
		866
Gholam Mahomed:		
Personal	100	
Family	394	
Servants	222	
		716
Gholam Ahmed:		
Personal	100	
Family	385	
Servants	218	
		703
Moiz-oo-Deen's Family:		
Family	324	
Servants	145	
		469
Two unmarried Princesses:		
Princesses, 200 each	400	
Servants	180	
		580
Kareem Sahib (Tippoo's brother):		
Personal	200	
Family	236	
Servants	195	
		631
Hyder Hossein (Nephew and Son-in-law of Tippoo):		
Personal allowance	200	
Family	358	
Servants	251	
		809
TOTAL — *Co.'s Rs.*		14,398

Lord Minto, in his Minute of the 19th October following, decided upon a further change.

Lord Minto in that paper states,—

"I have thought it my duty to consider attentively the questions suggested by a consideration of the letters which were some time since addressed to me by the Mysore Princes on the subject of their allowances, and which were recorded on the consultation of the 1st ultimo, and to inquire both what sum may with propriety be fixed for the maintenance of the Mysore Princes, and what mode of treatment it is now advisable to adopt respecting them.

"I am entirely satisfied that no other plan would either have been prudent or practicable, on the first arrival of the princes themselves, and afterwards of their families, in Bengal, than precisely that which was adopted by the wisdom of the former Government. It was a necessary consequence both of their recent arrival in a new country, and of the vigilant control which was then obviously indispensable, that their maintenance should be provided for directly by Government, and the whole detail of their establishment should be conducted under its immediate orders. I have not mentioned, however, that this arrangement has ever been considered as permanent, and I have reason to believe that a change of plan has been in contemplation, similar in principle, if not entirely equal in extent, to the propositions which I shall submit to the Council with the more confidence as I find them sanctioned, at least in part, by opinions of so much authority as those to which I allude.

"It may be convenient to begin by fixing the general principle by which the treatment of the Mysore families ought to be governed. We shall by that means

'acquire

acquire a guide both in the choice of system and in adjusting the particulars of the plan.

"By the fall of Seringapatam, and the death of Tippoo Sultan, the usurpation of Hyder Ali, and the power of the dynasty which he founded, was totally and finally overthrown. In consequence of that event a considerable portion of the ancient territory of Mysore was restored to the representative of its legitimate sovereign. The conquered family of Hyder and Tippoo, by falling under the absolute power, came for that very reason under the protection of the conqueror, and found themselves by the civilized spirit of European warfare, and by the peculiar character of the European enemy who had subdued them, entitled to the tender and liberal treatment which they have in reality experienced. No countenance could be given by any circumstance of our demeanor towards them to any claim they might still harbour to the dominions of Tippoo, and a restraint of their persons, together with a strict observation of their conduct, was obviously necessary in the early period, and in the first circumstance of their captivity. But consistently with these objects, they were felt by the generous character of our country, to be persons entitled to all the consideration which belongs to illustrious birth, and to the tenderness which is due to misfortune, especially in a vanquished enemy.

"These sentiments, therefore, became the basis of our conduct towards the family of Tippoo, and prevailed in the arrangement adopted for their support, as far as prudence would permit.

"We have to inquire, therefore, what change in these principles, the events of Vellore, and the transplantation of this family to Bengal should induce.

"I confess that to me the principle appears to remain the same, and that a change only in some particulars of the arrangement is rendered advisable by the new occurrences just adverted to.

"It still becomes us to show as much generosity towards these families as is consistent with public security, under present circumstances; and these, I think, will be found on consideration rather to admit of relaxation than to require an augmentation of restraint.

"We could not at any period propose to purchase the friendly mind of this family by any liberality we showed them. It was contrary to nature that they should conceive affection or attachment towards the immediate authors of such calamities as had fallen on their house, or that they should in their hearts renounce their pretensions to their father's crown, which they had been taught and accustomed from their infancy to consider as their inheritance. It was with this knowledge that we determined to treat them in their misfortunes with liberality and kindness. Feeling ourselves at liberty to take our own precautions against their natural enmity to the British power, we never reckoned on their friendly dispositions as any part of our security.

"Consistently with these considerations it appears to me that the insurrection at Vellore, so far as it is to be ascribed to the agency of this family, or any member of it, may have afforded perhaps a confirmation of, but has made no real change in the sentiments which were already entertained concerning their dispositions at the very time when liberality was adopted as the fit principle of our behaviour towards them.

"The question that remains is, what limitation of that generosity prudence requires in the present circumstances.

"Much in my opinion has been done towards security by the removal of these families from the coast to Bengal. They are withdrawn from the sphere of their natural influence, and are transferred to a country in which they cannot count one partisan or one public friend; but in which they are subject to the close and constant observation of Government itself, surrounded by all the means of vigilance and control which are possessed at the seat of authority.

"For these reasons I am myself satisfied that personal restraints may be not only diminished, but in a great degree, and subject to some exceptions, safely withdrawn; and I am strongly confirmed in this opinion by the reflection that if serious evil is to be apprehended, either from their escape or from intrigue, during their residence in Bengal, neither of these dangers are at all obviated by any restraint which has been hitherto established, or which could be proposed under any practicable system of management."

The Minute concludes by proposing 20 resolutions, of which it seems only here necessary to recite the six first.

RESOLUTIONS.

First. "That the allowances specified in a paper annexed, marked (C.), be assigned for the maintenance of the Mysore princes, to take effect from the 1st instant, and to be paid monthly, commencing the first payment on the 1st November for the month preceding.

Second. "That these allowances be paid to the head of each family respectively, to such person as they shall appoint to receive them.

Third. "That these allowances shall stand in lieu of every provision whatever for their maintenance, and shall defray the expenses of every kind without any exception, including house-rent, or purchase of houses, furniture, medical assistances, and incidental charges of all description whatever.

Fourth. "That no addition is to be made, nor any reduction on account of any change in the number composing the families by marriages, births, deaths, or otherwise, or on account of any other change of circumstances, with the exception of the individuals comprised in the third class, whose allowances, on their attaining manhood, will be made equal to that of the second class, but with this exception, the allowances are to be considered as the estates of the persons to whom they are assigned, for the deficiencies of which Government will not provide.

Fifth. "That Government does not propose to diminish or withdraw any of the allowances during the lives of the present persons to whom they are now assigned, except in the case of misconduct or abuse, but to provide against the possibility of such a case, and to avoid dispute in such an event, the whole must remain absolutely at the discretion of Government.

Sixth. "That on the decease of any of the persons to whom the allowances are now assigned, Government reserves to itself the power of making such provision for their widows, descendants, or other members of their families as shall be deemed proper under the circumstances then existing."

The following paragraph of the Minute throws light on the principle in which the amount of the allowance was fixed :—

"I really think that the present amount of allowance to the sons of Tippoo in all cases except that of Futteh Hyder falls somewhat short of the general principle of fit and becoming liberality applicable to this occasion, as it has been described in the early part of this minute. Some reduction of the allowances first established at Vellore I entirely approve of, because their allowances afforded the means of accumulation which might be applied to improper purposes, or might at least suggest designs of a nature troublesome to us, and probably fatal to themselves. But the former allowance of the first class will, according to my proposition, suffer an abatement of two-fifths, and after that retrenchment cannot, by any management besides supplying the indispensable demands of a family, furnish any dangerous resources. But to preclude the possibility of this, and for the purpose of avoiding an inconvenience of a directly opposite nature, I mean the contracting of debt, I shall propose some subordinate regulations calculated to prevent these evils. I propose that Lieutenant Colonel Richardson, besides the habitual inspection and observation of their conduct, should be so far charged also with a superintendence of their interior economy as to receive from them periodical accounts, under general heads, of their expenditure, with the power of calling for the vouchers when the occasion may seem to him to require it. The points to which this attention will be directed must be both, whether the expenditure is too small, and whether it is too great. In the first case the notice of Government will be called to any indication of such accumulation as the public can have a possible interest in. In the second, provision will be made out of the subsequent month's or quarter's allowance for discharging any arrears incurred by the excess of expense in the former, and the knowledge of this on the part of the families themselves, will no doubt serve to give an early check to irregular or prodigal dispositions, while a steady execution of this wholesome regulation will prevent the growth of debt to any inconvenient amount.

"The provision I propose for the second class, though it will bear a higher proportion to the first than at Vellore, does not appear to me more than equal to the establishment which is suitable to the rank of the persons concerned."

In

In a despatch dated the 28th June 1809, the Court approved of Lord Minto's arrangements in the following terms :—

Para. 35. "In the before-mentioned Minute of the 19th October 1807, the Governor General has so ably detailed the motives which led him to propose the adoption of the new plan for the future conduct of the Mysore princes, that we feel no inclination to obstruct its accomplishment in its fullest extent, and as the general care and superintendence of the Mysore princes is still continued to be vested in Lieutenant Colonel Richardson and the magistrate of the Twenty-four Pergunnahs, we rely on the vigilance and attention of those gentlemen that no improper use may be made of the lenity and indulgence thus shown to them, trusting that upon any abuse thereof, you will apply such a remedy as the case may require; and as the security of the public interests may point out to be necessary."

In the previous paras. of this note, such copious extracts have been given from the records on the subject of the claim now preferred in a specific form by Prince Gholam Mahomed, that any further remarks may take the form of a brief commentary. Although the history of this case extends over nearly half a century, the real question at issue appears to me to lie within a small compass, and it is my opinion that the decision of it should rest, not on occasional remarks and observations scattered through the records of the last fifty years, or on inferences as to the intentions of the writers deduced from these remarks, but on the literal provisions of the Partition Treaty of 1799, and on the tenor of the acts of the Government of India since the mutiny at Vellore up to the present time. In fact, I regard the question as a judicial question.

By the first Article of the Partition Treaty, the British Government received territory valued at 2,40,000 Canteroy pagodas = 700,000 rupees, "engaging to provide effectually, out of the revenues of the said districts, for the suitable maintenance of the whole of the families of the late Hyder Ali Khan and the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lacs of star pagodas."

The "reservation" is stated in the sixth Article, which secures to the Government the liberty to make deductions from time to time from the sums allotted by Article 1, "as may be proper in consequence of the decease of any member of the said families;" and it also declares that, "in the event of any hostile attempt on the part of the said family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions, &c.," * * * * the British Government "shall be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend hereinafter stipulated to be applied to the maintenance and support of the said families."

Prince Gholam Mahomed asserts the claim of the family to the whole sum allotted for their maintenance, both prospectively and retrospectively, and he bases this claim on the Minute of Lord Minto, dated October 1807, in which the position of the family and their relations with Government were reviewed at length and finally settled; the prince styles this Minute "the charter" of their claims, and observes that "all the arrangements made by his Lordship had specially in view to carry out the provisions of the treaty in our favour, on the assumption of its being in full force and effect."

The points which appear to me to call for consideration are, first, whether the right to a perpetual appropriation, which was secured to the Tippoo family to the extent of two lacs of star pagodas per annum by the treaty, can be said to now exist or not. Secondly, whether the tenor of Lord Minto's Minute justifies the prince's assumption that his Lordship considered that right to be unaffected by the events of 1806-7.

It appears to me quite indisputable that the "right" of the family under treaty was absolutely extinguished by the proved complicity of Moizoodeen, a "member of the family," in the mutiny at Vellore. There were two contingencies, under either of which a reduction of the allowances was declared by the sixth Article to be allowable; one, the decease of any members of the family, the other, any attempt on the part of any member of the family to subvert the authority of the British Government, or the Nizam, or to disturb the peace of the territories of either. The first contingency may or may not have occurred; but it does not appear that previous to the date of Lord Minto's Minute, the allowances of the

family were brought under revision with reference to any such event. The second contingency which was provided for did come to pass, and the immediate effect was the removal of the family, and their settlement in Bengal, and the revision of their allowances, first, under the Government of Sir G. Barlow, and again under that of Lord Minto. It may be urged that the reduction of allowances, which was directed by Lord Minto, proceeded on grounds of policy which forbade the continuance of such stipends to the princes as might, after providing for their personal wants, have furnished them with the means of accumulation, "which might be applied to improper purposes, or might at least suggest designs of a nature troublesome to us;" that so far from intending to inflict the penalty which he was "at liberty" to inflict under the 6th Article of the treaty, his Lordship thought it necessary to justify, on the above ground, his not giving the full allowances first established at Vellore, because he felt the treaty "to be binding on the Government."

It appears to me that whatever considerations may have guided Lord Minto in the allotment of the reduced allowances, the very fact of his enforcing such reduction is itself an undeniable proof that he regarded the "right" of the family under the treaty to have been extinguished by the events of Vellore. His Lordship's act would otherwise have been nothing less than a gross violation of that treaty by which those allowances were declared to be intangible, save under two contingencies, the one of which, viz., decease of the family, was not in view, even if it had come to pass when the reduction took effect; it was obviously, therefore, the complicity of Moizoodeen which alone enabled Lord Minto to interfere with the amount of the provision, which, with the reservation declared, the 1st Article of the treaty guaranteed to the family. I really do not see how this conclusion can be avoided, even though full weight be given to casual expressions which are to be found in Lord Minto's Minute, implying that the family was entitled to generous consideration and liberal treatment, &c. &c. The Government was absolved by the events at Vellore from the obligation of providing for the family; it might, on the proved complicity of Moizoodeen, have "entirely" suspended the payment of the whole of the stipend stipulated to be applied to their maintenance; it did not go to this extreme, but it dealt with the allowances in a generous spirit, and with the "tenderness due to misfortune, especially in a vanquished enemy," and by thus exercising the "liberty" which was secured to it by treaty, vindicated its right, then and thereafter, to regulate the stipends as policy and the circumstances of the time might dictate. The Government in good faith took upon itself the charge of maintaining the family in a suitable manner, by an appropriation annually of "not less than two lacs of star pagodas" (= *Co.'s Rs.* 7,00,000), and would, it cannot be doubted, have fulfilled its pledge, had not a member of the family been convicted of engaging in hostile attempts against its authority; but on the failure of the family to observe the conditions upon which the Government undertook to provide for them, it was entitled to disavow all claims as of right on its bounty, and accordingly did what otherwise it could not have done without a violation of the treaty, and a disgraceful breach of faith. I cannot, therefore, think that Lord Minto considered the treaty to be binding upon him; the treaty, so far as the British Government was concerned, remained unaffected by the misconduct of the Tippoo family, and it was under the provisions of that treaty that Lord Minto acted, when he exacted the penalty of that misconduct; but the obligation which it imposed on the Government of maintaining the family by the annual appropriation of "not less than two lacs of star pagodas," no less than the "right" of the family to claim such perpetual maintenance, was absolutely annihilated. That right, it seems to me, became extinct as soon as the complicity of Moizoodeen was proved; there was no necessity for the Government to declare, as it may be argued it should have done, that it acted under the 6th Article of the treaty, for it could have acted under no other, and the only circumstance, I think, which could enable the family now to insist on that right, would have been an explicit declaration on the part of the Government of the time, that it had thought fit to forego the "liberty" secured to it by the article in question. No such declaration was made, and that no such forbearance was contemplated, is shown by the whole course of the acts of the Government to the present time. An advocate of the claims of the princes might, perhaps, refer to passages in Despatches from the Honourable Court, as showing that notwithstanding the occurrences at Vellore, that authority considered the provision assigned by the

treaty

treaty to be claimable by the family. In one passage the following words occur (Court's letter, dated 15th May 1815), "We signified our expectation (in Despatch 19th August 1807), that every expense attending the care and maintenance of the princes and their families should come within the two lacs of pagodas per annum set apart by the Treaty of Mysore for that purpose." Another passage occurs in a letter, No. 25 of 1838, wherein, after discussing a scheme for commutation of the stipends proposed by Colonel Caulfield, and saying that the adoption of the plan must depend on the consent of the stipendiaries, the Court add, "That it must also be in accordance not only with the letter, but the spirit of the Partition Treaty of Mysore with the Nizam." A third passage is found in a letter dated 21st April 1841, in which the Court say, "Our right is clear both by the letter and spirit of the treaty, not only to resume stipends on failure of heirs, but to re-consider their amount."

I do not, however, admit that these passages, taken by themselves even, imply the continued existence of the right of the family to maintenance as stipulated in the treaty, much less can they be thought to do so when considered in connexion with the acts of the Supreme Government in 1806-7, which the Court distinctly approved. The expressions in the first passage seem to me to signify the desire of the Court that, under any circumstances, the expenditure on account of the family should not exceed two lacs of star pagodas, to convey an injunction for the limitation of their bounty, not to recognise the right of the family to the full amount, which, but for the events at Vellore, they would have been entitled to receive under the treaty. The second passage is illustrated by the third, and apparently intends to maintain that, under any circumstances, whether the scheme of commutation be carried out or not, "the Government was at liberty" (the provisions of the treaty, as they regarded the Government, being unaffected by the misconduct of the family, whatever effect it might have had on the relative position of the family), in the spirit and the express letter of the treaty, to reduce the allowance that might be allotted in case either of decease or of misconduct. It may be said that the right of the family having ceased, and the stipends received by its members being the offspring of the bounty of the Government, and their amount as well as their duration being wholly discretionary with the Government, any special reservation of a right to limit those allowances was superfluous, and so it appears to me to have been, or at any rate to have been made in an over-cautious spirit. But I cannot think that these passages, giving to them all their due weight, can controvert the conclusion to which the acts of the Government in 1806-7, and the Court's explicit approval thereof, no less than the more recent declarations of the Honourable Court on the subject of the various claims, which have been from time to time preferred by members of the family, reasonably conduct us, viz., that the right of the family to a permanent hereditary provision by the annual appropriation of "not less than two lacs of star pagodas," was extinguished by the misconduct of Moizoodeen.

In numerous despatches the Honourable Court have repudiated the construction which is put by Gholam Mahomed on the sixth of the resolutions appended to Lord Minto's Minute. The prince, after admitting that Lord Minto gave to each of the sons of Tippoo only a "life provision," adds, that his Lordship also declared, that "on the decease of each recipient, the stipend should pass under the review of the Government of the day, to be re-assignable, with increase or reduction, according to the condition of the children and dependents left by the incumbents with reference to the general claims of other members of the late Sultan's family. His Lordship does not appear to have made any such explicit declaration. The Resolution declares that the Government "reserves to itself the power of making such provision for their widows, descendants or other members as shall be deemed proper under the circumstances then existing." And it will be seen from the extracts in the margin,* that the Honourable Court, in this

* Despatch, dated 16th June 1847. Paras. 6 and 7.
Para. 6. "When the practice was adopted of granting separate stipends to the grown-up children of Mysore princes not chargeable to their parents, but to the State, we directed that this indulgence should be considered as cancelling the claim of children to inherit the whole allowances of their parents, and that Mysore stipends should thenceforth be liable to revision on the death of each stipendiary. These instructions have been duly attended to on the death of Prince Mahomed Soobhan,

this passage, distinctly repudiate the hereditary character with which the prince desires to invest the provisions resolved on by Lord Minto's Government.

Whether then the express conditions of the treaty, or the interpretation put upon them by Lord Minto, and the Honourable Court be regarded, it seems to me an unavoidable conclusion that we are not bound to "apply" to the "suitable maintenance" of the Tippoo family "an annual sum of not less than two lacs of star pagodas;" that the allowances which the members of the family now receive proceed from the benevolence of the Government, and its compassion for fallen greatness; and that these allowances have nothing of a hereditary and perpetual character.

The prince, in his letter, talks of the sums saved by the reduction, from time to time, of the family's allowances as a "deposit" appropriable to its use, and passages are cited in the margin* from Government letters, of comparatively recent date, in which expressions implying the existence of a fund occur.

The words of the first Article of the Treaty seem to me to signify that the appropriation of "an annual sum of not less than two lacs of star pagodas" for the maintenance of the family was thereby made obligatory on the British Government, whether expended or not (as in the case of decease it might not have been), provided that the family did not engage in any hostile attempt against its authority. In this way only could a fund or deposit have been formed; that is to say, the fund or deposit could have had its origin only in the reduction consequent on the decease of any member of the family, and could have been kept in existence only by the abstinence of the family from attempts to subvert the authority of the Government. If this be the case (and such I understand it to be), the "fund," considered in the light of a deposit exclusively appropriable to the family, was destroyed, and its further accumulation arrested, by Moizoodeen's proved complicity in the mutiny at Vellore. It is true a separate debtor and creditor account of the money is kept up, and annually submitted to the Honourable Court in obedience to their orders; but their requisition on this head may have been prompted by financial considerations, and it cannot at any rate have revived a fund which became extinct on the occcurrence of the events at Vellore. Besides this, the Honourable Court has shown that this requisition is not to be construed as recognizing the existence of a fund, by warning the Supreme Government, in their Despatch of 21st April 1841, para. 18, that the members of the Tippoo family must not be encouraged to look to any supposed "fund" for the relief of their necessities. At the same time, it is my duty to call attention to a letter from the Secretary to Government to the address of the Superintendent of the affairs of the Mysore princes, dated the 14th January 1814, in reply to an application from Prince Futteh Hyder for an augmentation of his stipend. In that letter the following passage occurs: "There is, however, a distinguishing circumstance in the situation of Futteh Hyder, which affords ground for a compliance with his request; and as the fund set apart under the provisions of the Partition Treaty of Mysore for the support of the late Hyder Alli Khan and Tippoo Sultan, under the arrangements adopted subsequently to the mutiny at Vellore, affords a considerable surplus, his Excellency in

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Soobhan, from whose stipend of 2,000 rupees per month, only *Rs.* 1,445. 15. 10. have been distributed among his family."

7. "Against this decision an appeal has been made to us by the late prince's sons, who had indulged a hope, that not only the whole pension of their father, but even the additional pensions granted to themselves would be continued to the family. You will, however, apprise them that their request is inadmissible."

Despatch. dated 19th July 1848. Para. 14.

Para. 14. "The further memorial of the sons of the late Prince Soobhan, complaining of the reduction made in the family stipend, at their father's death, has not altered our opinion on the subject. You will inform the memorialists that they are entirely mistaken in supposing that Lord Minto declared the pensions of the various descendants of Tippoo Sultan to be hereditary."

Despatch, dated 30th October 1850. Para. 8.

Para. 8. "We entirely approve your maintaining the non-hereditary character of the Mysore stipends."

* Para. 26 of Mr. Secretary Macnaghten's letter of the 19th July 1836.

"It has already been observed, that Khowasses, not being lawful slaves, have no claim upon the fund. Those who may heretofore have entered the family, may continue to receive support as a matter of charity; but all those who may enter after you shall have sufficiently notified the resolution of Government, are on no account to obtain any maintenance from the fund."

in Council avails himself," &c. What weight should be allowed to these and a few other expressions of similar import, in the face of the considerations just stated (viz., that the accumulation of the fund ceased when hostile attempt was proved), his Lordship will judge.

If it be held that the misconduct of Moizoodeen extinguished the right of the family to perpetual maintenance, and, with it, arrested the accumulation of the "fund," then there is an end of the matter; if otherwise, then, it seems to me, the fund is in existence, and the family is entitled to claim that a sum of "not less than two lacs of star pagodas" shall be annually appropriated, and that the amount to credit, now about 67 lacs of Company's rupees, shall be held by the Government in trust for their benefit. It should be noted, that, although the claim brought forward by Prince Gholam Mahomed has been here discussed at length, it has been rejected by the Honourable Court in their recent Despatch, dated 4th January 1854.

It is not thought necessary to submit more than the recent correspondence, the Minutes of Sir George Barlow and Lord Minto, and the letter of 14th January 1814, above referred to. Any other papers can be sent, if required by his Lordship.

(signed) *G. F. Edmonstone*,
Secretary.

MINUTE by the Most Noble the Governor General of India; dated 24th January 1855.

Mysore family.

1. I HAVE given my best attention to the memorial submitted by Prince Gholam Mohumed, on behalf of the Mysore princes; and I have carefully studied the treaty, the Minutes referred to in the memorial, and the history of the transactions between the Government of India and the Mysore family, which is given in the note attached to these papers.

2. I am wholly unable to see that Prince Gholam Mohumed, or his family, has any ground of just complaint, or that any change should be made in the footing upon which the Mysore princes have long been placed. In truth, I conceive that nothing can be added to the Despatch, No. 1 of 1854, in which the Honourable Court discussed and disposed of the alleged claims of the family of Tippoo Sultan.

3. The whole question which has been raised by Prince Gholam appears to me to lie within a very narrow compass. The reply to be given to his memorial must depend upon the decision which the Government may form upon two points; 1st, whether the existing Mysore family has at this present time, a right by the treaty 1799, to the full stipend allotted to it by that treaty; 2dly, whether, if it has not a right to the full stipend by treaty, it has such a right by virtue of any other document.

4. I have no hesitation in saying that, in my opinion, the Mysore family has no right to the full stipend, either by treaty or by any other pledge.

5. The citations of the treaty and of other papers in the note are so full, that I abstain from quoting them in this place. It will be sufficient to say that the 6th Article of the treaty confers upon the East India Company a double right to reduce the stipend granted by the treaty to the Mysore family; 1st, by such deductions from time to time, "as may be proper in consequence of the decease of any member" thereof; and 2dly, "in the event of any hostile attempt on the part of the said family or of any member of it against the authority" of the parties to the treaty.

The first of those two events which would justify a reduction of the stipend has frequently occurred in the course of nature. The second occurred not long after the conclusion of the treaty in the insurrectionary movement at Vellore, in which a portion of the Mysore family was clearly proved to have participated. Thus, under both of those contingencies which were contemplated in the 6th Article of the treaty, the stipend of the Mysore family has become justly liable to reduction.

6. There is nothing whatever upon record, either at the period of the events

which occurred at Vellore or subsequently, which exempts the Mysore family from the liability to reduction of stipend, to which they have become subject by the operation of the 6th Article of the treaty of 1799.

I have very carefully studied the Minute of Lord Minto, written in 1807, on which Prince Gholam Mohomed has laid so much stress. There is, in my judgment, nothing whatever in that Minute which can support the view, that Lord Minto considered that the treaty rights of the Mysore family had not been affected by the events at Vellore. My Lord Minto expressed an opinion that those events had not changed the principle on which the Government should deal with the Mysore family; the principle, namely, of "liberality and kindness." But he no where used any single expression which could be construed to mean that he considered that their rights under the treaty of 1799 remained unaltered. On the contrary, he distinctly recognised the abrogation of those rights. For he said, "Some reduction of the allowances first established at Vellore, I entirely approve of; because their allowances afforded the means of accumulation, which might be applied to improper purposes." Such reduction could only have been made by the cessation of their original right to the full stipend. The mere fact, therefore, of a reduction having been made by Lord Minto, is conclusive proof, that the interpretation which he gave to the treaty of 1799, and the view which he took of the effect of the events at Vellore on the treaty rights of the Mysore family, were identical with those expressed in their recent Despatch by the Honourable Court.

7. These are the reasons on which I found my conclusion that the Mysore family has no right to claim from the Government of India the full stipend originally granted in 1799, either by treaty or by virtue of any other pledge.

8. The incidental allusions to a "fund" which are scattered over the correspondence of nearly half a century, do not, in my mind, at all tend to weaken the main conclusion I have formed. I believe that the so-called fund was at all times an unreal one, as the Nizamut Fund has long been. I conceive that the word has been used solely with reference to a matter of public account, by which it was intended to show what the actual charge to the State of the Mysore family has been, compared with what it would have been if the Government of India had continued to allot to the family the whole of the original stipend, as it might have been thought expedient to do. The Honourable Court have long since declared their adoption of that view, and in their Despatch of 21st April 1841, the Court expressly repudiated the notion that the members of the family were entitled to look to lapsed stipends as a fund for their behoof.

9. If the members of the Council should adopt the same views of this subject, a reply in that sense to the memorial of Prince Gholam Mahomed may be prepared and transmitted to the Honourable Court.

(signed) *Dalhousie.*

After an attentive consideration of these papers, I concur entirely and without reserve in the conclusions drawn by the most noble the Governor General, and expressed in the foregoing minute.

2 February 1855. (signed) *J. Dorin.*

I also quite agree.

2 February 1855. (signed) *J. Low.*

Minute by the Honourable *J. P. Grant*, dated the 13th March 1855.

Mysore family.

Under date the 1st of December 1851, the Prince Gholam Mahomed memorialised the Honourable Court, praying, in effect, that an account should be taken of all the money paid to the family of Tippoo Sultan of Mysore, and of all the money provided for the maintenance of that family by the treaty of Mysore, viz., 7,00,000 rupees (or 2,00,000 of star pagodas) a year from the date of the treaty until the present time, and that the difference should be applied to the purposes mentioned in the treaty; that is to say, should be expended upon himself and the other descendants of Tippoo. The argument of the memorial (which did not contest the right of the Government to direct any distribution of the money amongst the several members of the family which

which it may think fit), was, that the Government were bound by the treaty to expend the whole amount specified upon the Mysore family, wherefore the large amount of savings accumulated did "properly belong to the family of said Tippoo Sultan." The superintendent of Mysore princes, in forwarding the memorial, expressed his opinion of the fallacy of this claim as a matter of justice. The memorial was submitted to the Honourable Court in due course, by whom the claim of the memorialist was pronounced to be wholly inadmissible.*

*Despatch, No. 27, of 18 August 1852.

In March 1853 the superintendent of Mysore princes, at the earnest request of Prince Gholam Mahomed, sent up a duplicate of the prince's former memorial, which was forwarded by the Bengal Government to the Honourable Court for reconsideration of the matter. The Honourable Court, upon this second occasion, went fully into the merits of the claim, and in their Despatch in the Political Department, No. 1, of the 4th of January 1854, absolutely negatived its validity, whether on the ground of the treaty relied upon, or on the ground of a resolution of Lord Minto's Government in 1807, which had been adduced by the memorialist as strengthening his case. The Honourable Court admitted that the family had claims on the liberality of Government, and that the living members of the family had a just claim to support, but they said, in effect, that the family has been very liberally treated; that Lord Minto's Resolution was explicitly restricted to securing life pensions to the then existing "princes" (the sons of Hyder Ali and Tippoo), and that there is a point where liberality must stop, which point would be overstepped by a gratuitous assignment of the public revenue to the members of this family and their descendants for all generations to come.

The Honourable Court proceeded to express their expectation that these and all similar stipends should be gradually discontinued; at the same time reiterating former injunctions to endeavour to induce the younger members of this family to qualify themselves for honourable employment in the public service or otherwise.

The Bengal Government, observing that the reconstitution of the Russapuglah school had fulfilled one part of the Honourable Court's orders, now submits for the consideration of the Government of India a project for fulfilling the other part, namely, the gradual discontinuance of the Mysore stipends.

We have also now before us, for disposal, a letter dated the 21st of May 1854, which the Prince Gholam Mahomed, dissatisfied with the Honourable Court's decision upon his claim, has written to the Governor General, from London. In this letter the prince says that he has been told the substance of the decision to which the Honourable Court have come upon his memorial (that is to say, upon the occasion of the second submission of that memorial), and that he apprehends that the Honourable Court must have been "under a misapprehension in respect to the real nature of the position and claims" of his family. On this ground he proceeds to re-argue his case, in the hope that his claim may be recommended by the Governor General in Council once more to the reconsideration of the Honourable Court; and he concludes with asking that five or six lacs of rupees out of the accumulated savings he speaks of, may be distributed amongst the family in such manner as he may suggest.

Having studied the papers in the case, I am unable to perceive that the Honourable Court have misapprehended in the least degree the grounds upon which their decision has been based.

The treaty relied upon was not made with the family of Tippoo, or with any one on the part of that family. It was a treaty with the Nizam, the sole purpose of which was to regulate the partition of the conquered territory between the two parties to the treaty, who, as allies, had made the conquest. In estimating the values of the respective shares in the partition made of the conquered territory, credit to a certain amount was taken by the British Government for the cost of maintaining Tippoo's family, whose maintenance that Government took upon itself; and on the other hand credit was taken by the Nizam to a certain amount for the cost of maintaining a certain chief, whose maintenance the Nizam took upon himself; and a part of the conquered territory was apportioned accordingly.

A claim under treaty cannot be founded upon this Partition Treaty, on the part of persons who were no parties to it, and whose names were only mentioned in it because of the benevolence of those who were the parties to it.

Noticing the fact that the claimants were no parties to the treaty on which they rely, the Honourable Court remark that the treaty expressly provided for the limitation or entire suspension of the stipend, in the event of any member of the Mysore family becoming implicated in any hostile attempt against either of the conquering powers; that afterwards a member of the family was proved to be implicated in such a hostile attempt, namely, the Vellore mutiny, in consequence of which, the provisions in the treaty in favour of the family ceased to have effect, and the allowances of the family were withdrawn in 1806; that subsequently, namely, in October 1807, (smaller) allowances, irrespective of the amount mentioned in the treaty were given to the princes, "only for the lives of the princes respectively," and that these allowances were accepted as life grants, and the Government has never renounced its undoubted right to do what it pleases in respect of them on the death of a stipendiary.

This argument, founded upon the effect of the Vellore mutiny, the express words of the Government Resolution of 1807, and the practice of about half a century, in no one year of which has the amount mentioned in the treaty ever been expended upon the family, seems to me conclusive; and I cannot, therefore, see that we should be justified in referring this claim a third time to the Honourable Court, as Prince Gholam Mahomed prays us to do.

A point is made of the innocence of the princes generally, of the Vellore mutiny, and of their uniform loyalty and good conduct ever since that time. The fact must be admitted to the fullest extent. But it does not operate upon my mind, in the manner which the Mysore family intend; that is to say, as an argument addressed to the generosity of the British Government, against taking advantage of the letter of the provisions of the treaty, in order to take away the permanent and hereditary property of a whole family, only because of the guilt of one member of it. I should hold my present opinion of the invalidity of Prince Gholam Mahomed's claim if there had never been a Vellore mutiny.

I hold it to be an extravagant and indefensible assertion, to say that the British Government either engaged or intended at the time of the Partition Treaty of 1799, to charge permanently the public revenue of India with seven lacs of rupees a year, as the hereditary property of the descendants of Hyder Alli (of whom Tippoo Sultan was one) from generation to generation for all ages to come upon the single condition of their continuing loyal. If Tippoo had retained his kingdom and died in his bed, and if he had transmitted the whole of Mysore, a secure inheritance to one heir of Hyder Ali after another, no one would have dreamed of any such perpetual provision for remote branches of the family. Certainly an engagement to make a specified provision for this family, that is to say, for the individuals then existing of which the family consisted, was liberally undertaken by Lord Wellesley; but Lord Wellesley never promised, on the part of his Government, to provide for all the descendants of those individuals for ever. To see the essential absurdity of any such promise as that which is thus attributed to one of our greatest Indian statesmen, we have only to reflect on the number of syeds (descendants of Mahomed) there are in the world.

I have read the whole of Lord Wellesley's correspondence upon the subject, and from first to last, I do not find one word to warrant the belief, that such a notion as making a permanent hereditary provision for those persons and their descendants in all time coming, ever entered that statesman's head. All his promises and arrangements were with reference to the individuals of the family then in existence before him. In first announcing his intentions towards the "Sultan's family," he assigns the fortress of Vellore for their residence, and adds "no reasonable expense will be spared to render their habitation suitable to their former rank and expectations; and it is my intention to give them a liberal pecuniary allowance.*" It would be as reasonable to presume that when the Governor General wrote these words he contemplated keeping the descendants of the family shut up in Vellore Fort down to the tenth generation, as to suppose that he contemplated as permanent a pecuniary allowance. A little further on he authorises the allotment of a stipend "to each of them," *i. e.*, to each of the family, but says not a word about stipends to their heirs.

*To Commissioners, 4 June 1799, No. 12, vol. II, page 20, Wellesley Despatches.

I can hardly think it possible to have expressed the personal character of the provision contemplated by the treaty, and its effect for the lives only of the recipients, more distinctly than in these words in Article VI. of the Treaty: "The English East India Company Behadoor shall be at liberty to make such deductions

deductions from time to time, from the sums allotted by the first Article of this treaty, for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan, as may be proper in consequence of the decease of any member of the said families." The corresponding engagement which was undertaken by the Nizam to provide liberally for the support of Meer Kummeroodeen Khan, "and of his family and relations," required no such special clause respecting deductions, because it was specified that this provision, which was to the extent of 2,45,000 rupees, should be in the form of a jageer, which, properly speaking, every one knows is a life grant of the revenues of land. The inference that the corresponding provision which the other party undertook to make was also personal, is irresistible.

We are not left to conjecture as to Lord Wellesley's conception of the future results of the arrangement he was making, in respect to the parties to the treaty on the one hand, and the recipients of their bounty on the other hand. In a letter to the Resident at Hyderabad, written when the Nizam was showing some hesitation in agreeing to the treaty, Lord Wellesley wrote, "It may be observed on the part of the Nizam, that under the power reserved to the Company in the 6th Article, the Company may derive a greater benefit from its share of territory than that which now appears upon the face of the treaty, because the Company having reserved in certain contingencies the power of diminishing the allowances of the deposed family, is not to be accountable to the Nizam for any such contingent advantage. On the other hand, it is apparent that the Nizam will be entitled to similar advantages with regard to the jageer of Cummeroodeen, which his Highness, under his rights of sovereignty over Cummeroodeen, will at any time possess the power of limiting or suspending, although no such power be expressly reserved in the treaty.*" Further on in the same letter he adds, "I have already remarked the operation of the 6th Article on the interests of the Nizam; its necessity with a view to those of the Company is obvious.*" As to the relative value of the two contingent advantages, it is enough to say that Lord Wellesley throughout asserted and acted upon the principle that any claim on the part of the Nizam to an equal partition was untenable, and that the Nizam could claim advantage from the conquest only, in proportion to the expense he had incurred and the exertions he had made as an ally towards gaining it. Lord Wellesley significantly pointed to his assuming the dominion, on behalf of his Government, of the present territory of Mysore (about half of Tippoo's kingdom) and granting it to the new Raja, subject to tribute, as putting an end to all notions about an equal partition.

* Despatch dated 30 June 1799, Wellesley Despatches, vol. II. No. 23, page 61.

That both parties to the treaty understood at the time that they were both making such provisions for families as would be reduced from time to time, is proved by the first of the separate articles agreed to by both parties, under date the 22d of June 1799, which is in these words: "With a view to the prevention of future altercations, it is agreed between his Highness the Nawab Nizam-ud-Dowlah Asoph Jah Behadoor and the honourable English East India Company Behadoor, that to whatever amount the stipends appropriated to the maintenance of the sons, relations, and dependents of the late Hyder Ali Khan and Tippoo Sultan, or the personal jageer of Meer Cummeroodeen Khan, shall hereafter be diminished in consequence of any one of the stipulations of the treaty of Mysore, the contracting parties shall not be accountable to each other on this head."

At the present time, of all those individuals whom Lord Wellesley promised to provide for, one only, Prince Gholam Mahomed, the memorialist, remains alive. There is not a more worthy, respected, and loyal native gentleman than this last surviving son of Tippoo Sultan; and if, on the grounds of his high character, and of his being now the single head of the whole family, the Honourable Court should be pleased to add something to his own life stipend, which is 2,000 rupees a month, I believe it would gratify many, and none more than myself. But I cannot see any ground for a grant of five or six lacs of public money to individuals of this family who may be in want of money because they have outrun their income. Anything in the nature of a claim on the part of the Mysore family in common, or of any member of it, to the whole balance of the annual sum of seven lacs of rupees, or to any portion of it, has been disallowed, for reasons which, in my opinion, are irrefragable,

On this question, therefore, I agree most unreservedly in the opinion recorded

by the most Noble the Governor General and my honourable colleagues, Mr. Dorin and General Low. I would only suggest that, as the general question has been already definitively, and after a review of judgment, determined by the Honourable Court, our reply to Prince Gholam Mahomed should be founded upon that fact, and should mention our own opinions upon the subject only as a reason for declining to refer the question a third time to the Home Government, and to grant the five or six lacs of rupees asked for.

It will still remain for the Government of India to consider the proposed scheme sent up by the Bengal Government, for carrying into effect the wishes of the Honourable Court for the gradual discontinuance of these Mysore stipends.

I observe that the instructions of the Honourable Court relate to these and all similar stipends. The scheme submitted, however, relates only to these Mysore stipends. Whatever be the principle adopted, the same principle, I apprehend, should be applied to all similar stipends in India. Thus viewed, the subject to be considered becomes a very large question of financial and general policy.

In the first place, I would respectfully recommend to the Honourable Court that the present system of account, by which a separate fund is kept upon the books of the Accountant under the name of the Mysore Princes' Fund, be immediately altered. By the present system of accounts, seven lacs of rupees a year are entered in the Madras receipts and disbursements as charges, under the head of political disbursements chargeable to the revenues, by a corresponding credit to Bengal. In the Bengal receipts and disbursements (and in the general receipts and disbursements, and the books also), the whole amount is credited to a fund called "The Mysore Princes' Fund," under the general head of "Debt," and the actual disbursements made are debited to that head. The sum by which the actual disbursements are less than the annual credit of seven lacs remains, of course, at the credit of the fund, and adds to the gross balance shown as accumulating annually in favour of the fund and against the Honourable Company. At this time the fund is a mere fiction, as has been determined by the Honourable Court's decision upon Prince Gholam Mahomed's memorial, and the Company owes nothing, of all the balance shown, to anybody.

One evil of this fictitious system of accounts is, that it deceives the public as to the result of the Honourable Company's financial administration. The public debt of the Honourable Company appears, on this account, already some 60 or 70 lacs more than it truly is, and every year a larger and a larger sum is added to this imaginary debt.

Another evil is that the Executive Government, deceived in some sort by the process of charging to a pretended fund what is, in reality, neither more nor less than an outlay of public money which ought to be charged to the State, is apt to be more lax in looking after the public expenditure in this particular department than it ought to be, and than it would be but for this false method of charging the expenditure in account.

But the worst evil is, that so long as the Accountant has upon his books a "Mysore Princes' Fund," showing a large balance as due by the Government to the fund, nothing will persuade the Mysore princes that they have no real share or concern in a fund that goes by their name. The family, instead of being grateful for the gratuitous stipends which they receive, will continue to feel irritation at being kept out of some part of what they conceive to be their rightful due. As the public cannot be cognisant of the mysteries of the Accountant's office, and cannot be blamed for supposing that the "Mysore Princes' Fund" means a fund of or belonging to the Mysore princes, they also are apt to form the same opinion injurious to the reputation of the British Government.

Upon such grounds as these it was, I apprehend, that the Governor General of India in Council lately recommended to the Honourable Court a corresponding reform in the accounts of the Moorshedabad Nizamut. The Honourable Court concurred in the propriety of the principle upon which this recommendation was based, and authorised the adoption of the reform in question; but, for reasons peculiar to our relations with the Nawab Nazim of Bengal, they ordered that the proposed reform of accounts should be postponed until the death of the existing Nawab. I am not aware of any such peculiar reasons

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in regard to the Mysore family, and therefore, as far as I can see, the immediate introduction of the proposed reform, in the present case, would be unobjectionable.

I now come to the proposals of the Bengal Government for "the gradual discontinuance of these allowances." It is suggested that a rule may be made, "that no pensions be, under any circumstances, granted to any descendants of the family now unborn." I can hardly think that so stringent a rule would be just. I perceive from one of the statements before us, that Government are now giving pensions to "sons' sons' sons," to "sons' sons' daughters," to "sons' daughters' daughters," to "daughters' sons' sons," and to "daughters' sons' daughters" of Tippoo; that is to say, to the third generation in both the male and female line from the fallen king. This being the case, I can hardly think it would be right if the Prince Gholam Mahomed, for example, were now to have a son born to him, to refuse a pension to that son, who would be in the second generation in the male line from Tippoo. Our practice up to this moment has, I think, been a virtual recognition of a more liberal principle, and however mistaken that principle may have been, I do not think it would be fair to alter it without having given reasonable notice to those interested.

On the same grounds I would not absolutely refuse pensions to the issue of existing marriages. I agree in thinking that the Government has too long neglected the duty of declaring where and when pensions to the descendants of this family shall cease; and I think that we cannot now too soon make this declaration. But because heretofore we have been perhaps a little over-lenient, we should not, I think, now be unfair, or harsh, or even too abrupt; which we should be if we suddenly changed our practice without due notice. It is not the fault of the Mysore family that they have not been warned in time, that distant descendants of Tippoo, like other people, will have to earn their own livelihoods.

It is further suggested that a rule may be made, "that after a certain date, say the 1st May 1860, no allowance in the form of a life pension be granted (except in special exceptional cases) exceeding in amount what may be sufficient to secure a decent subsistence to the recipient." On similar grounds to those above mentioned, I do not see that this would be a fair rule. For instance, I do not see why the question whether the Prince Gholam Mahomed's son shall receive, at his father's death, the handsome stipend which we have led him from his childhood to expect that he would receive, and which we led his parents at their union to expect that their offspring would receive, or instead of such a stipend a bare decent subsistence, should be made to depend upon the contingency of whether his worthy father lives (as he probably will, and as I sincerely hope he may) over the 1st of May 1860, or not. I do not see that the question of a stipend to a grandson of Tippoo should depend in any way on the circumstance of his father living to a good old age, or otherwise.

In preference to these rules I would suggest a rule that the stipend of every female stipendiary shall lapse at her death. The giving of pensions to the children of female descendants of Tippoo, excepting only those females who were married in Tippoo's lifetime, appears to me to have been an abuse. A female who marries goes into the family of her husband, amongst Mussulmans as well as amongst Christians and Hindoos; and so remains as long as she continues united to her husband; and her children have a right to look to their father for their maintenance. I believe that this rule might be enforced at once, without hardship, in all but perhaps some very peculiar cases. It will be seen that out of 210 stipendiaries, drawing in the aggregate 22,092 rupees a month, there are no less than 155 females, drawing amongst them 9,880 rupees a month. The adoption of such a rule as this, therefore, would put a reasonable limit to a considerable mass of these pensions.

I would give no pension to any descendant in the fourth generation, being the issue of a marriage not yet contracted; and to such descendants, being the issue of marriages already contracted, I would give only very small pensions.

By the adoption of such rules as these, the complete cessation of the present drain upon the public resources will be certain, within some moderate term of years; without, I think, giving rise to well founded complaints of harshness.

It is proposed by the Bengal Government, in order to promote the recovery of this family from their present idle and unprofitable way of life, that "applica-

tions for commutation of stipends, either in enjoyment or in prospect, to money payments, once for all, or in periodical instalments, may be favourably entertained if made by any members of the family desirous of engaging in any trade or useful pursuit." In the propriety of this proposal I most fully agree.

The Bengal Government reports "that the Superintendent of Mysore Princes strongly advocates the abrogation of the rule under which members of the family who have any grown up children are allowed an addition to their stipend to the extent of one-third of its amount, on the supposition that such addition is necessary to enable them to start their children in life. This rule, it is said, defeats the desired object, and deprives the younger branches of the family of all stimulus to self-exertion." Upon this point I quite agree with the Superintendent; and I would abrogate the rule as an experiment which has been fairly tried, and has failed.

I would apply the above principles, with the necessary adaptations in each case, to all other political stipendiaries in India, having no hereditary right to their stipends, who have nevertheless been so treated in practice as to encourage them in the hope of leaving their pensions, or some portions of their pensions, as heir-looms for an indefinite time to come.

(signed) *J. P. Grant.*

MINUTE by the Honourable Mr. *B. Peacock*, dated 18 June 1855.

ysore family. HAVING read the whole of the documents and correspondence connected with this case with great care and attention, it appears to me to be quite clear that the Mysore princes have no valid claim whatever under the Partition Treaty of Mysore of 1799. Reading the first, second and sixth Articles of the treaty together, I am of opinion that the East India Company did not engage or intend to bind themselves to provide for the heirs or descendants of Hyder Alli and of Tippoo Sultan for ever, but that they merely engaged to provide for the members of those families who were then in existence. In the first of the separate articles of the treaty with the Nizam, the stipends are described as appropriated to the maintenance of "the sons, relations and dependents" of the late Hyder Alli and Tippoo Sultan, but no words are used to show that it was the intention of the contracting parties that the stipends were to be continued to the heirs or descendants of such sons or relations. I should have put the above construction upon the words "the whole of the families of the late Hyder Alli, &c.," in the first Article of the Treaty of Mysore, if that article had stood alone; but my construction of those words is, I think, strongly corroborated by the fact that by the second Article the Nizam contracted to provide for the support of Meer Kummerud Deen and of his family and relations, and to grant him for that purpose a personal jagheer equal to the annual sum of 70,000 Canterai pagodas. Now a jagheer is in its nature a mere life tenure, and not an hereditary one. (*See* Baillie on Land Tenures, introductory essay, p. 45.) And even if any doubt could have existed as to whether an hereditary tenure was intended, if the word "jagheer" had been used alone, there can be no doubt that the jagheer was intended to be merely for life, as the words "a personal jagheer" are used.

It appears, then, that the Nizam bound himself merely to grant a personal jagheer, or a life tenure to Meer Kummerud Deen, and that the amount of the life tenure was deducted from the estimated value of the territory specified in Schedule B., which was allotted to the Nizam. This leads to the conclusion that the two lacs of star pagodas which were deducted in like manner from the estimated value of the districts mentioned in Schedule A, on account of the provision for the families of Hyder Alli and of Tippoo Sultan were intended not as a provision for the families and their descendants for ever, but merely for the then existing members.

Further, by the sixth Article of the treaty, the East India Company were to be at liberty to make such deductions from the sums allotted by the first Article of the treaty for the maintenance of the families of Hyder Alli and Tippoo Sultan as might be proper in consequence of the decease of any member of the said families. If it had been intended that upon the death of any such member, his

his issue were to be provided for, one would have expected to find, instead of the words "In consequence of the death of any member of the said families," the words "In consequence of the death of any member of the said families without issue" or "without leaving any child or children," or some other words to that effect.

But even if the word "families" in the first Article of the treaty could by any possibility be considered to mean the descendants of Hyder Alli and Tippoo Sultan for ever, a construction which the clear and forcible arguments of our honourable colleague Mr. Grant have proved to be utterly untenable, there can be no doubt that by the participation of one of the members of the family of Tippoo Sultan in the mutiny at Vellore, the East India Company were entirely released from their obligation to provide for that family.

Their contract was with the Nizam, and not with the Mysore family, and it was one of the stipulations of the contract that in the event of any hostile attempt on the part of the said family, or of any member of it, against the authority of the contracting parties, &c., the East India Company were to be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend stipulated to be applied to the maintenance and support of the said families. The event provided against by that article happened, and the Company were no longer bound by any obligation to provide for a single member of the family.

But the liberality of the Company induced them to abstain from acting upon their strict rights, and from visiting upon the innocent members of the family the crime of the guilty member. They never entered, nor intended to enter, into any new engagement with the Nizam; and it is unreasonable to suppose that either Lord Minto or the East India Company intended to bind themselves by any contract or pledge to the Mysore family after the insurrection at Vellore, when in fact they were not bound by any such contract or pledge previously entered into with them.

There is nothing in Lord Minto's Minute to lead to such a conclusion, or to show that the Government at that time considered themselves bound to expend for the maintenance of the family the whole of the two lacs of star pagodas; on the contrary, the allowances then fixed fell very far short of that amount.

It has also declared explicitly that the settlement then made was only for the lives of the then existing princes, and that on the decease of any of the persons to whom the allowances were then assigned, Government reserved to itself the power of making such provision for their widows, descendants or other members of their families as should be deemed proper under the circumstances then existing.

Whatever expectation might have been raised in the minds of any of the princes who were living at the date of that Minute, and to whom allowances were thereby assigned, that upon his death the Government would make provision for his widow, descendants, and other members of his family, there are no reasonable grounds for a similar expectation in the minds of any of their descendants. It was one of the stipulations of that Minute, expressed in the fourth resolution, that with the exception therein mentioned in favour of the princes enumerated in the third class, no addition was to be made, nor any reduction on account of any change in the number composing the families of the princes to whom allowances were thereby assigned, by marriages, births, deaths, or otherwise; and I think that it certainly was not the intention at that time that in making provision for the widows and descendants of any of those princes after his death, the sum allowed for the support of himself and his family during his life should be exceeded.

Lord Minto, in his Minute, says: "It is a very great advantage of the proposed plan, in point of economy as well as convenience, that the whole charge is reduced to a certain invariable amount."

But assuming that it was intended that upon the death of any one of the princes to whom an allowance was assigned by Lord Minto's Minute, the same amount should be continued to and divided amongst his widows and descendants for their respective lives, it never could have been intended that upon the death of each of such descendants his share should be again subdivided for the benefit of his widows and children, and so on, for ever; for by such a subdivision the allowances in the course of a few generations would in all probability be reduced to infinitesimal amounts.

That Lord Minto never could have entertained the idea that every descendant

of Tippoo was to be maintained for ever at the expense of the State is, I think, clear from the following extract from his Lordship's Minute. He says: "It cannot but be felt, on the bare statement of the propositions, that to retain twelve families, composed at present of upwards of 300 persons, and subject to the natural growth of all societies, especially when favoured by polygamy and an unlimited number of females; to retain, I say, such a multitude in the condition and to provide for them on the footing of state prisoners of rank, must be an undertaking of such difficulty, complexity, and embarrassment, as to become in the end impracticable."

It may be said that the above remark applies merely to providing for the family on the footing of state prisoners of rank; but the argument applies equally to maintaining them in any manner at the expense of the State.

For the above reasons, I entirely concur in the opinions expressed by the Most Noble the Governor General, and I cannot see any reason for recommending the claim of Prince Gholam Mohomed to the Honourable Court for reconsideration. As his honour the President and my honourable colleagues also concur with the Governor General, I think a reply should be prepared and sent to Prince Gholam Mohomed, and transmitted to the Honourable Court, as directed by the ninth paragraph of his Lordship's Minute.

I agree with my honourable colleague, Mr. Grant, in thinking that we should recommend to the Honourable Court that the present system of accounts by which a separate fund is kept upon the books of the Accountant in the name of the Mysore princes, should be altered. As to the proposal of the Bengal Government for the gradual reduction of the allowances to the Mysore family, I agree with Mr. Grant in thinking that the rule proposed by the Government of Bengal is too stringent. The rule proposed is this, "That no pensions be under any circumstances granted to any descendants of the family now unborn; that after a certain date no allowance in the form a life pension be granted (except in special exceptional cases) exceeding in amount what may be sufficient to secure a decent subsistence; and that applications for commutation of stipends either in enjoyment, or in prospect, to money payments once for all, or in periodical instalments, may be favourably entertained, if made by any member of the family desirous of engaging in any trade or useful pursuit."

I think that that part of the rule which relates to applications for commutations is likely to be productive of beneficial results. I also concur in thinking that the rule under which members who have grown-up children are allowed an addition to their stipend of one-third of its amount should be abrogated. It appears quite contrary to the principle of the fourth resolution of Lord Minto's Minute; but I agree with Mr. Grant in thinking that that part of the rule proposed by the Bengal Government for consideration, that no pensions be granted under any circumstances to any descendants of Tippoo now unborn, and also that part of it which restricts the amount of pensions to be granted after the 1st May 1860, might operate too harshly upon the issue of a very worthy and excellent member of the family, the Prince Gholam Mohomed.

The first part of the proposed rule would exclude from a pension any child of Prince Gholam which might hereafter be born. The second part of the rule might operate so as to frustrate the very natural and reasonable expectations both of Prince Gholam Mohomed and his family under the sixth resolution of Lord Minto's Minute.

Probably as regards the sons of Prince Gholam Mohomed, the words "except in special exceptional cases," in the proposed rule, would prevent any actual hardship upon them; and were intended to provide for that and other similar cases; but they would not protect any child of Prince Gholam Mohomed who may be born hereafter.

The second part of the rule even as worded, might cause anxiety and distrust in the mind of Prince Gholam Mahomed as to the course which Government would adopt in the event of his death, for the purpose of making provision for his widows and descendants, as they would not know whether they would be treated as an exceptional one or not.

As Prince Gholam Mohomed is the only son of Tippoo now living, and the only remaining member of the family for whom provision was expressly made by Lord Minto's Minute, I would leave the provision to be made upon his death to be settled according to the sixth resolution of that Minute. Instead of laying down the rule that no pension shall be granted to any descendant of Tippoo now unborn

unborn, I should prefer a rule stating that no pension shall be granted to any descendant of Tippoo beyond the third degree, either lineally or collaterally. At present, there are many members in the third degree lineally, such as sons' sons' sons, sons' daughters' sons, sons' sons' daughters. sons' daughters' daughters, &c. &c., and collaterally, such as nephews' sons, nephews' daughters, and nieces' daughters, who are in receipt of pensions; and it would hardly be fair to members in the second degree, who may hereafter have children, to treat their children differently to those of other members in the second degree. By the rule above suggested the pensions now payable or which might hereafter be granted to members in the third degree would not be continued to their children. But as some reasonable expectation may be entertained, from the manner in which the liberality of the East India Company has hitherto been extended, that the widows and children of members in the third degree would not be altogether excluded from deriving any benefit from the fund; and as the allowances to many of the members in the third degree are so small that they probably cannot have the means of putting their children forward in the world; I would propose that the Government shall be at liberty to grant a pension to the widows of members in the third degree, and also to make, either during the parent's lifetime or after his death, an advance to any of their children or issue, for the purpose of putting them forward in the world, provided that the advances in favour of any one or more of such children or issue shall not exceed in the whole the value in present money, calculated according to the 5 per cent. tables, of a pension for a certain number of years, say 21 years, equal in amount to the pension paid to such member in his lifetime; or if any pension be granted to a widow or widows of such member, of a pension for 21 years, equal to the difference between any pension or pensions granted to such widow or widows, and the pension paid to the member in his lifetime.

I would allow pensions payable to members in the second degree to be continued to their children and widows for life, provided that the amount of all the pensions granted to the widows and children of any such member shall not exceed in the whole the amount payable to the member in his lifetime.

The financial operation of the above scheme would be, 1st, to continue the whole or a portion of the pension of 2,090 rupees now payable to Prince Gholam Mohomed to his widows and issue, in such proportions as Government may think fit; 2d, to allow pensions payable to grandsons or granddaughters of Tippoo or other members of his family of an equal degree, either lineally or collaterally, to be divided amongst their issue and widows in such proportion as Government may think fit; 3d, and to allow in effect pensions payable to great grandsons and great granddaughters of Tippoo or other members of his family in the third degree to their issue for 21 years, by paying the value thereof immediately upon the death of such member or during his lifetime, for the benefit or advancement in life of such children; or to allow such pensions to be continued, partly to their widows for life, and partly to their children for 21 years for their advancement, by paying the value of such 21 years' pension immediately or during the life of the parent. In this manner the whole of the pensions to the family must cease upon the death of the members in the first, second, and third degrees from Tippoo, and of their widows, and upon the payment of an amount calculated upon the principle above mentioned for the benefit or advancement in life of their children, and which amount could not exceed the value in present money of an annuity for 21 years, equal to the amount of the parent's pension. In case of the death of any member in the third degree without widows or issue, his pension will lapse to the State. Looking to the manner in which the liberality of Government has hitherto been extended to the females of the family, I think some reasonable expectations might be disappointed if any difference were made between males and females: I therefore would not make the distinction in that respect suggested by Mr. Grant.

The pensions to the begums and khowassas should cease upon their deaths.

The above scheme, if approved, might be embodied in the following resolutions:

1st. On the decease of Prince Gholam Mahomed, Government may make such provision for his widows, descendants, or other members of his family for their

lives, as shall be deemed proper under the circumstances then existing, pursuant to the 6th Resolution contained in the Minute of Lord Minto, dated 19th October 1807.

2d. Upon the death of any member of the family of Tippoo, related to him in the second degree, either lineally or collaterally, Government may divide the pension payable to such member in his lifetime, or such portion thereof as it may think fit, amongst his widows and issue, in such proportions as the Government may deem proper under all the circumstances then existing. But no provision shall be made for the widows and issue of such member exceeding in the whole the amount of the pension payable to such member during his life.

Upon the decease of any member of the family related to Tippoo in the third degree, either lineally or collaterally, the Government may cause the value in present money of an annuity for 21 years, equal in amount to the pension payable to such member in his lifetime, to be calculated by the five per cent. tables, and may cause such amount, or such part of it as the Government may deem proper, to be paid or applied to or for the benefit or advancement in life of the children or issue of such member, in such proportions and in such manner as the Government may think fit. If it should appear expedient to Government, the amount so paid for the benefit or advancement of any child or issue may be paid in the parent's lifetime, instead of paying the same after his death; the pension payable to the parent being, of course, continued to him during his lifetime, and a reservation being made, if thought expedient, for his widow or any after-born children.

If any such member shall leave a widow or widows, Government may allow such widow or widows to enjoy for life such portion of the pension payable to her or their husband during his life as it may deem fit, and may order the value of an annuity for 21 years, equal in amount to the difference between the annuity or annuities granted to such widow or widows and the pension paid to such member in his lifetime, to be ascertained, and may apply such amount to or for the benefit or advancement in life of the children or issue of such member, in the manner hereinbefore described.

All pensions granted to begums or khowassas shall terminate upon their decease.

Should any exceptional case arise, the Government may deal with the same as it may think fit, subject to the sanction of the Honourable Court of Directors to be previously obtained.

If the above scheme be approved, it may be carried out without increasing the expense at present incurred in support of the family, or extending it to any indefinite period; at the same time I think it ought to satisfy every reasonable expectation entertained by any member of the family, arising either from the Minute of Lord Minto, or from the manner in which Government has hitherto extended its liberality.

I regret that I have detained the papers longer than I intended, but I did not think it right to allow this case to pass without expressing my opinion upon it; or to express that opinion without having carefully studied and considered all the documents and correspondence bearing upon the case.

Upon the two points, viz., the alteration of the mode of keeping the accounts, and the course to be adopted for the gradual reduction of the allowances to the Mysore Princes, the papers should, I think, be sent to the Most Noble the Governor General, as his Lordship has not as yet expressed any opinion upon the subject except as Governor of Bengal. Probably his Honor the President in Council may think it better that the secretary should prepare a note upon the latter subject previously to our finally recording Minutes thereon, or sending the papers to the Most Noble the Governor General.

(signed) *B. Peacock.*

MINUTE by the Most Noble the Governor General of India; dated 20th July 1855.

Mysore Family.

1. I HAVE much satisfaction in finding that the opinions which I expressed in a Minute, dated 24 January 1855, regarding the claims advanced on behalf of the Mysore family by his Highness Prince Gholam Mahomed, have met with the unanimous concurrence of my Honourable Colleagues in the Council.

2. In pursuance of the suggestion now made by his Honor the President in Council, I will cause the decision of the Government of India upon his memorial to be communicated to Prince Gholam Mahomed, who is still in England.

The letter to Prince Gholam should be sent through the Court of Directors; and the Minutes recorded upon his memorial should at the same time be transmitted to the Honourable Court.

3. While I am compelled to negative the claim which Prince Gholam has advanced, as of right, on the part of himself and the Mysore family, I feel confident that I am only expressing the sentiments of the whole Council when I say, that any consideration which the Honourable Court may now be disposed to show to Prince Gholam Mahomed himself, would be viewed with satisfaction by the Government and by the community.

Prince Gholam is now the only surviving son of Tippoo Sultan. In his life and character he has set a praiseworthy example to all his countrymen, and especially to princes and chiefs in positions resembling his own. He is universally respected and esteemed by the whole European community, as well as by his own countrymen; and I have long been happy to regard him as a personal friend. I am convinced, therefore, that the entire public would be not less gratified than myself, if the Honourable Court should now be pleased to bestow upon Prince Gholam Mahomed an additional proof of its kindness and generosity.

4. The Court should further be informed that the Government will shortly communicate its views regarding the future provision for the Mysore family.

5. When these papers were circulated among the members of the Council I did not record any opinion on the recommendations of the Bengal Government, because they had proceeded from myself, as Governor.

6. My Honourable Colleagues, Mr. Grant and Mr. Peacock, both considering that those recommendations are too stringent, and are likely to be regarded as unnecessarily abrupt and harsh in their operation, I readily defer to their opinions.

7. The general scheme which they have proposed for bringing about the gradual cessation of pensions in the Mysore family appears to me to be in accordance with the liberal and considerate spirit in which the Government has always desired to act towards the Mysore family.

Concurring generally in that scheme, and observing only, that I think pensions granted to females should cease at their death, and should not be continued to their heirs, I think it best to leave the details of the rules to be settled by the President in Council on the spot.

8. When the rules shall have been prepared, I think that it would be expedient to submit them to the Honourable Court of Directors before they shall be promulgated.

9. The proposal of my Honourable Colleague, Mr. Grant, to "apply the above principles, with the necessary adaptations in each case, to all other political stipendiaries in India, having no hereditary right to their stipends, who have, nevertheless, been so treated in practice as to encourage them in the hope of leaving their pension, or some portions of their pensions, as heirlooms for an indefinite time to come," gives a much wider application to the injunctions of the Honourable Court than they were intended to bear.

Nevertheless, the principle is equally just to all, who, like the Mysore family, have no hereditary or guaranteed right.

10. Provision for the gradual extinction of all ordinary political pensions is, in fact, made by the existing practice, which limits the fresh grant of any pension, on its lapse by death, to one-half of its former amount.

The scheme now proposed, however, is preferable, inasmuch as it fixes a definite period for the cessation of all State provision in each case.

I therefore assent to the proposed extension of the rules suggested for regulating the stipends of the Mysore family to all stipendiaries not possessing an hereditary or guaranteed right.

11. The Honourable Court may probably think it right to sanction exceptions being made to these rules in peculiar cases, with the understanding that every such exception must receive the distinct sanction of the Honourable Court.

12. Should this principle be established by the approval of the Honourable Court of Directors, it will be of very wide operation, and will affect many interests. I think, therefore, that whenever it may be finally established, it ought immediately to be made known by the local authorities to every person to whom it will be applicable within their several jurisdictions.

13. I have only to add that the proposed readjustment of the mode of keeping and entering the accounts of the Mysore family appears to me to be both necessary and right; and that I think it should be submitted to the Honourable Court for their sanction.

(signed) *Dalhousie.*

(No. 414.)

From *G. F. Edmonstone*, Esq., Secretary to the Government of India, with the Governor General, to His Highness Prince *Gholam Mahomed*; dated Ootacamund, 31 July 1855.

Sir,

eign Depart- t. I AM directed by the Most Noble the Governor General to acknowledge the receipt of your letter, dated London, the 21st May 1854, in which you say that you have been told the substance of the decision to which the Honourable Court have come upon your recent memorial, and that you apprehend that the Honourable Court must have been "under a misapprehension in respect to the real nature of the position and claims" of your family. On this ground, you proceed to re-state your claims, and request his Lordship in Council to reconsider the resolution of Lord Minto's Government in 1807, regarding your rights and those of your family, which resolution you term "the charter" of your claims; and you express your hope that, after its perusal, your case may be recommended by the Governor General in Council once more to the reconsideration of the Honourable Court. In conclusion, you ask that five or six lacs of rupees, out of the accumulated savings referred to, may be distributed amongst the family in such manner as you may suggest.

2. Having carefully studied the papers in the case, his Lordship and the members of the Council are unable to perceive that the Honourable Court have misapprehended in the least degree the grounds upon which their decision has been based.

3. The treaty relied upon was not made with the family of Tippoo Sultan, or with any one on the part of that family. It was a treaty with the Nizam, the sole purpose of which was to regulate the partition of the conquered territory between the two parties to the treaty, who, as allies, had made the conquest. In estimating the values of the respective shares in the partition made of the conquered territory, credit to a certain amount was taken by the British Government for the cost of maintaining Tippoo Sultan's family, whose maintenance that Government took upon itself; and, on the other hand, credit was taken by the Nizam to a certain amount for the cost of maintaining a certain chief, whose maintenance the Nizam took upon himself; and a part of the conquered territory was apportioned accordingly.

4. A claim

4. A claim under treaty cannot be founded upon this partition treaty on the part of persons who were no parties to it, and whose names were only mentioned in it because of the benevolence of those who were the parties to it. Noticing the fact that the claimants were no parties to the treaty on which they rely, the Honourable Court have remarked that the treaty expressly provided for the limitation or entire suspension of the stipend, in the event of any member of the Mysore family becoming implicated in any hostile attempt against either of the conquering powers; that afterwards a member of the family was proved to be implicated in such a hostile attempt, namely, the Vellore mutiny, in consequence of which the provisions in the treaty in favour of the family ceased to have effect, and the allowances of the family were withdrawn in 1806; that, subsequently namely, in October 1807, smaller allowances, irrespective of the amount mentioned in the treaty, were given to the princes, "only for the lives of the princes respectively;" and that these allowances were accepted as life grants; and the Government has never renounced its undoubted right to do what it pleases in respect of them on the death of a stipendiary.

5. This argument, founded upon the effect of the Vellore mutiny, the express words of the Government resolution of 1807, and the practice of about half a century, in no one year of which has the amount mentioned in the treaty ever been expended upon the family, seems to his Lordship conclusive.

6. You make a point of the innocence of the Princes generally of the Vellore mutiny, and of their uniform loyalty and good conduct ever since that time. The fact must be admitted to the fullest extent. But it does not operate in the manner which the Mysore family intend; that is to say, as an argument addressed to the generosity of the British Government against taking advantage of the letter of the provisions of the treaty, in order to take away the permanent and hereditary property of a whole family, only because of the guilt of one member of it. His Lordship would hold his present opinion of the invalidity of your claim if there had never been a Vellore mutiny.

7. His Lordship holds it to be an extravagant and indefensible assertion to say that the British Government either engaged or intended, at the time of the partition treaty of 1799, to charge permanently the public revenue of India with seven lacs of rupees a year, as the hereditary property of the descendants of Hyder Ali (of whom Tippoo Sultan was one) from generation to generation for all ages to come, upon the single condition of their continuing loyal.

8. His Lordship has carefully read the whole of Lord Wellesley's correspondence upon the subject, and from first to last he does not find one word to warrant the belief, that such a notion as making a permanent hereditary provision for these persons and their descendants in all time coming was ever contemplated by that statesman. All his promises and arrangements were with reference to the individuals of the family then in existence before him. In first announcing his intentions towards "the Sultan's family," he authorises the allotment of a stipend "to each of them," *i. e.*, to each of the family, but says not a word about stipends to their heirs.

9. His Lordship can hardly think it possible to have expressed the personal character of the provision contemplated by the treaty, and its effect for the lives only of the recipients, more distinctly than in these words in article 6 of the treaty: "The English East India Company Behadoor shall be at liberty to make such deductions from time to time from the sums allotted by the 1st article of this treaty for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan as may be proper, in consequence of the decease of any member of the said families." The corresponding engagement which was undertaken by the Nizam to provide liberally for the support of Meer Kummer-oo-deen Khan, "and of his family and relations," required no such special clause respecting deductions, because it was specified that this provision, which was to the extent of 2,45,000 rupees, should be in the form of a Jageer, which, properly speaking, is a life grant of the revenues of land. The inference, that the corresponding provision which the other party undertook to make was also personal, is irresistible.

10. Neither is his Lordship left to conjecture as to Lord Wellesley's conception of the future results of the arrangement he was making in respect to the parties to the treaty on the one hand, and the recipients of their bounty on the other hand. In a letter to the Resident at Hyderabad, written when the Nizam was showing some hesitation in agreeing to the treaty, Lord Wellesley wrote, "It may be observed on the part of the Nizam that under the power reserved to the Company in the 6th article, the Company may derive a greater benefit from its share of territory than that which now appears upon the face of the treaty, because the Company, having reserved, in certain contingencies, the power of diminishing the allowances of the deposed family, is not to be accountable to the Nizam for any such contingent advantage. On the other hand, it is apparent that the Nizam will be entitled to similar advantages with regard to the Jageer of Kummer-oo-deen, which his Highness, under his rights of sovereignty over Kummer-oo-deen, will at any time possess the power of limiting or suspending, although no such power be expressly reserved in the treaty."

11. That both parties to the treaty understood at the time that they were making such provisions for families as would be reduced from time to time, is proved by the first of the separate articles agreed to by both parties under date the 22d of June 1799, which is in these words: "With a view to the prevention of future alterations, it is agreed between his Highness the Nabob Nazim and Dowlah Asoph Jah Bahadoor and the Honourable English East India Company Behadoor, that to whatever amount the stipends appropriated to the maintenance of the sons, relations, and dependents of the late Hyder Ali Khan and Tippoo Sultan, or the personal Jageer of Meer Kummer-oo-deen Khan, shall hereafter be diminished in consequence of any one of the stipulations of the treaty of Mysore, the contracting parties shall not be accountable to each other on this head."

12. The general question, viz., whether there is any thing in the nature of a claim on the part of the Mysore family in common, or of any member of it, to the whole balance of the annual sum of seven lacs of rupees, or to any portion of it, has been already definitively, and, after a review of judgment, determined in the negative by the Honourable the Court of Directors; and, after giving the case his most careful and deliberate consideration, his Lordship feels it incumbent on him, for the reasons above enumerated, to decline to refer the question a third time to the Home Government; neither can his Lordship see any ground for a grant of five or six lacs of rupees of public money to individuals of your family who may be in want of money, because they have outrun their income. His Lordship in Council will, however, represent to the Honourable Court that, of all those individuals whom Lord Wellesley promised to provide for, your Highness alone remains alive; and if on the grounds of your high character, and of your being now the single head of the whole family, as well as of the praiseworthy example you have uniformly set to all your countrymen, and especially to princes and chiefs in positions similar to your own, the Honourable Court should be pleased to add something to your own life stipend, such an additional proof of its kindness and generosity would be gratifying to all who know you, and to none more than to his Lordship.

I have, &c.
(signed) *G. F. Edmonstone,*
Secretary to the Government of India,
with the Governor General.

ACCOUNTS of the Appropriated Mysore Deposit Fund, from 1806-7 to 1853-54.

N 1806 the Princes of the late Tippoo Sultan quitted Vellore for Bengal, and their arrival at that Presidency was reported in 7; subsequently, the expenditure on their account was partly disbursed at Bengal and partly at Madras.

		Annual Disbursements at both Presidencies.	Total Amount of the Disbursements.	Annual Appropriation.	Excess of the Sums allowed by Treaty.	Short of the Sums allowed by Treaty.
		Sic. Rs. a. p.	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*
6-7	Amount disbursed at Fort St. George -	4,78,441 7 5				
	Ditto, Fort William -	1,46,642 12 10	6,25,084 4 3	6,51,724 2 3	- - -	26,639 14 -
7-8*	Ditto, Fort St. George	2,48,110 12 -				
	Ditto, Fort William -	3,82,731 7 11	6,30,842 4 8	6,51,724 2 3	- - -	20,881 13 7
8-9	Ditto, Fort St. George	1,84,447 4 4				
	Ditto, Fort William -	2,81,403 13 8	4,65,851 2 -	6,51,724 2 3	- - -	1,85,873 - 3
9-10	Ditto, Fort St. George	1,89,954 5 9				
	Ditto, Fort William -	2,24,576 13 5	4,14,531 3 2	6,51,724 2 3	- - -	2,37,192 15 1
0-11	Ditto, Fort St. George	2,45,446 9 5				
	Ditto, Fort William -	2,64,524 9 -	5,09,971 2 5	6,51,724 2 3	- - -	1,41,752 15 10
1-12	Ditto, Fort St. George	1,97,323 12 9				
	Ditto, Fort William -	2,78,326 11 5	4,75,650 8 2	6,51,724 2 3	- - -	1,76,073 10 1
2-13†	Ditto, Fort St. George	1,99,370 5 9				
	Ditto, Fort William -	3,70,579 10 5	5,69,950 - 2	6,51,724 2 3	- - -	81,774 2 1
3-14	Ditto, Fort St. George	1,96,139 10 8				
	Ditto, Fort William -	3,10,179 5 1	5,06,318 15 9	6,51,724 2 3	- - -	1,45,405 2 6
4-15	Ditto, Fort William -	3,35,687 2 2				
	Ditto, Fort St. George	1,95,855 13 2	5,31,542 15 4	6,51,724 2 3	- - -	1,20,181 2 11
5-16	Ditto, Fort William -	3,61,409 12 4				
	Ditto, Fort St. George	1,91,075 10 6	5,52,485 6 10	6,51,724 2 3	- - -	99,238 11 5
6-17	Ditto, Fort William -	3,43,707 2 6				
	Ditto, Fort St. George	1,85,866 5 3	5,29,573 7 9	6,51,724 2 3	- - -	1,22,150 10 6
7-18	Ditto, Fort William -	3,33,713 8 7				
	Ditto, Fort St. George	1,82,410 5 5	5,16,123 14 -	6,51,724 2 3	- - -	1,35,600 4 3
8-19	Ditto, Fort William -	3,29,580 - -				
	Ditto, Fort St. George	1,84,742 11 10	5,14,312 11 10	6,51,724 2 3	- - -	1,37,411 6 5

* In 1807 additional buildings were erected at Russapuglah for the unmarried Princesses and mothers of the Princes, and ain allowances made to the Princes in money, proportioned to the extent of their families, instead of supplying them with food, nent, &c.

† During the year 1812-13 buildings were erected for the Princes at Russa, at an expense of 16,196 rupees. Purchase of land the younger branches and females at 5,025 rupees, and erection of buildings on it at a cost of 58,979 rupees. An expenditure 0,000 rupees on account of the obsequies of the late Abdool Klulick. Further expenses of 7,952 rupees for the younger branches females, and advance of 5,000 rupees to Prince Futteh Hyder.

		Annual Disbursements at both Presidencies.	Total Amount of the Disbursements.	Annual Appropriation.	Excess of the Sums allowed by Treaty.	Short of the Sums allowed by Treaty.
		Sic. Rs. a. p.	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*	*Sic. Rs. a. p.*
1819–20	Amount disbursed at Fort William	3,62,720 – –				
	Ditto, Fort St. George	1,80,724 3 1	5,43,444 3 1	6,51,724 2 3	– – –	1,08,279 15 2
1820–21	Ditto, Fort William	3,37,270 – –				
	Ditto, Fort St. George	1,81,712 10 –	5,18,982 10 –	6,51,724 2 3	– – –	1,32,741 8 [illegible]
1821–22	Ditto, Fort William	3,36,588 13 8				
	Ditto, Fort St. George	1,80,439 15 4	5,47,028 13 –	6,51,724 2 3	– – –	1,04,695 5 [illegible]
1822–23	Ditto, Fort William	3,47,157 13 –				
	Ditto, Fort St. George	1,94,349 11 3	5,41,507 8 3	6,51,724 2 3	– – –	1,10,216 10 –
1823–24	Ditto, Fort William	3,58,593 6 –				
	Ditto, Fort St. George	2,00,946 3 6	5,59,539 9 6	6,51,724 2 3	– – –	92,184 8 9
1824–25	Ditto, Fort William	4,27,865 13 4				
	Ditto, Fort St. George	2,06,320 4 10	6,34,186 2 2	6,51,724 2 3	– – –	17,538 – [illegible]
1825–26	Ditto, Fort William	3,74,825 5 8				
	Ditto, Fort St. George	2,29,673 1 7	6,04,498 7 3	6,51,724 2 3	– – –	47,225 11 –
1826–27	Ditto, Fort William	3,77,175 1 2				
	Ditto, Fort St. George	2,06,640 5 7	5,83,815 6 9	6,51,724 2 3	– – –	67,908 11 [illegible]6
1827–28	Ditto, Fort William	3,80,298 13 1				
	Ditto, Fort St. George	2,16,684 9 11	5,96,983 7 –	6,51,724 2 3	– – –	54,740 11 3
1828–29	Ditto, Fort William	3,76,779 9 9				
	Ditto, Fort St. George	2,10,554 10 6	5,87,334 4 3	6,51,724 2 3	– – –	64,389 14 –
1829–30	Ditto, Fort William	3,92,354 4 6				
	Ditto, Fort St. George	2,11,010 13 6	6,03,365 2 –	6,51,724 2 3	– – –	48,359 – 3
1830–31	Ditto, Fort William	3,79,911 5 –				
	Ditto, Fort St. George	2,12,935 15 8	5,92,847 4 8	6,51,724 2 3	– – –	58,876 13 7
1831–32	Ditto, Fort William	3,71,427 3 –				
	Ditto, Fort St. George	2,15,704 3 3	5,87,131 6 3	6,51,724 2 3	– – –	64,592 12 –
1832–33	Ditto, Fort William	3,79,388 13 2				
	Ditto, Fort St. George	2,17,453 13 5	5,96,842 10 7	6,51,724 2 3	– – –	54,881 7 8
1833–34	Ditto, Fort William	3,80,454 3 –				
	Ditto, Fort St. George	2,80,566 10 6	6,61,010 13 6	6,51,724 2 3	10,286 11 3	—
1834–35	Ditto, Fort William	3,58,247 14 2				
	Ditto, Fort St. George	1,86,330 8 3	5,44,578 6 5	6,51,724 2 3	– – –	1,07,145 11 10
1835–36	Ditto, Fort William	3,72,729 11 4				
	Ditto, Fort St. George	1,48,290 5 –	5,21,020 – 4	6,51,724 2 3	– – –	1,30,704 1 11
		Co.'s Rs. a. p.	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*
1836–37*	Ditto, Fort William	7,99,910 – 4				
	Ditto, Fort St. George	1,68,434 3 8	9,68,344 4 –	7,00,000 – –	2,68,344 4 –	—

* In 1836–37 considerable advances were made in liquidation of the debts of the Mysore Princes, and also on account of t marriage expenses of the son of Prince Muhomed Soolbana.

		Annual Disbursements at both Presidencies.	Total Amount of the Disbursements.	Annual Appropriation.	Excess of the Sums allowed by Treaty.	Short of the Sums allowed by Treaty.
		Co.'s Rs. a. p.	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*	*Co.'s Rs. a. p.*
1837–38	Amount disbursed at Fort William -	4,01,714 2 7				
	Ditto, Fort St. George	1,50,528 1 3	5,52,242 3 10	7,00,000 – –	- - -	1,47,757 12 2
1838–39*	Ditto, Fort William -	7,20,695 4 10				
	Ditto, Fort St. George	1,38,139 2 –	8,58,834 6 10	7,00,000 – –	1,58,834 6 10	—
1839–40	Ditto, Fort William -	3,55,486 4 11				
	Ditto, Fort St. George	1,48,139 – 2	5,03,625 5 1	7,00,000 – –	- - -	1,96,374 10 11
1840–41	Ditto, Fort William -	4,65,728 13 10				
	Ditto, Fort St. George	1,39,993 11 10	6,05,722 9 8	7,00,000 – –	- - -	94,277 6 4
1841–42	Ditto, Fort William -	4,78,483 4 9				
	Ditto, Fort St. George	1,35,380 4 11	6,13,863 9 8	7,00,000 – –	- - -	86,136 6 4
1842–43	Ditto, Fort William -	3,91,032 8 1				
	Ditto, Fort St. George	1,16,684 7 –	5,07,716 15 1	7,00,000 – –	- - -	1,92,283 – 11
1843–44	Ditto, Fort William -	3,75,999 8 4				
	Ditto, Fort St. George	1,23,203 2 –	4,99,202 10 4	7,00,000 – –	- - -	2,00,797 5 8
1844–45	Ditto, Fort William -	3,76,513 12 3				
	Ditto, Fort St. George	1,18,722 12 8	4,95,236 8 11	7,00,000 – –	- - -	2,04,763 7 1
1845–46	Ditto, Fort William -	3,64,223 3 10				
	Ditto, Fort St. George	1,16,758 14 8	4,80,982 2 6	7,00,000 – –	- - -	2,19,017 13 6
1846–47	Ditto, Fort William -	3,52,215 4 11				
	Ditto, Fort St. George	90,779 13 11	4,42,995 2 10	7,00,000 – –	- - -	2,57,004 13 2
1847–48	Ditto, Fort William -	3,45,439 12 5				
	Ditto, Fort St. George	1,08,503 11 5	4,53,943 7 10	7,00,000 – –	- - -	2,46,056 8 2
1848–49	Ditto, Fort William -	3,39,951 6 4				
	Ditto, Fort St. George	1,26,038 6 3	4,65,989 12 7	7,00,000 – –	- - -	2,34,010 3 5
1849–50	Ditto, Fort William -					
	Ditto, Fort St. George					
1850–51	Ditto, Fort William -	3,12,190 9 10				
	Ditto, Fort St. George	98,398 4 6	4,10,588 14 4	7,00,000 – –	- - -	2,89,411 1 8
1851–52	Ditto, Fort William -	3,05,536 3 –				
	Ditto, Fort St. George	95,019 4 11	4,00,535 7 11	7,00,000 – –	- - -	2,99,444 8 1
1852–53						
1853–54	Ditto, Fort William -	3,02,680 4 3				
	Ditto, Fort St. George	85,655 8 –	3,88,335 12 3	7,00,000 – –	- - -	3,11,664 3 9

* In 1838 arrears of allowances, amounting to 1,96,160 Company's rupees, were paid to the five junior sons of the late Tippoo Sultan.

POLITICAL DESPATCH from the Court of Directors of the East India Company to the Government of India, 4 July, No. 16 of 1855.

1. IN our Despatch in this department, No. 1 of 1854, dated the 4th of January, we communicated our orders upon the memorial of Prince Gholam Mahomed, forwarded in your letter No. 15, dated the 26th of April preceding.

2. The prince had asserted on behalf of the family of Tippoo Sultan, a claim "to the whole amount retrospectively as well as prospectively of the sum specified, as a provision for them in the treaty concluded in 1799 between the British Government and the Nizam," and had maintained "that the reductions made on the death of stipendiaries are contrary to the pledge contained in Lord Minto's Minute of the 19th of October 1807."

3. We stated in the Despatch referred to, that we did not admit the validity of either of these grounds of claim, and we gave reasons for the decision which we pronounced.

4. Soon after the despatch of that letter, the Prince Gholam Mahomed arrived in London, having received permission to visit this country, and has met with those marked attentions which are due to his exalted birth, to the respectability of his character, and to the recommendation of the Governor General.

5. He immediately addressed to us a letter of inquiry on the subject of his memorial, which you had informed him was referred for our orders. We declined to communicate with him on the subject, and he accordingly addressed to you further observations and arguments upon his case.

6. Several months have since elapsed, during which the prince has been detained here at considerable inconvenience, in the expectation of hearing from you, and having received no communication from you, he has been induced to address to us a further letter and memorial upon the same subject. We transmit to you a copy of these last-mentioned papers, which, with reference to the high character maintained through life by this prince, we have thought it right to consider, although in general we discourage as much as possible such memorials being sent except through you; and it will be convenient that, while forwarding them, we should communicate the observations that occur to us upon the new matter now urged by the prince.

7. The prince in his present letter disavows the intention to prefer any "claim of right either on his own part or on that of other members of the family to anything specific," and acknowledges that the Government of India under our direction and orders is vested with full power to regulate the stipends. He asks for no change of the position and footing on which the family were placed by Lord Minto's Minute of the 19th of October 1807, but submits for consideration the grounds on which, consistently with that footing, the stipends of certain classes may appropriately be augmented, and suggests arrangements for the better management of the concerns of the family generally, adding some points of personal interest to himself.

8. It has given us satisfaction to perceive that the prince now justly appreciates the proceedings and intentions of the Government, and of the Court of Directors towards the family of Tippoo Sultan. Although in our Despatch of the 4th of January 1854, we refused to recognise any claim of right in the members of this family, we have always felt the obligation not only to fulfil the promises and pledges given by Lord Minto in the Minute referred to, but to carry out his arrangements in the same liberal spirit in which they were framed, and we have given expression to this sentiment in several Despatches on the subject of the affairs of the Mysore family, more especially in that dated the 10th of April, No. 25 of 1838.

9. We had then before us a scheme for furnishing a permanent provision for the different branches of Tippoo Sultan's family, which was recommended by Colonel Caulfield when Superintendent of the Mysore Princes. To that scheme we offered objections on the ground principally of its requiring a considerable present increase of expenditure, but we stated that, deeming it undesirable to encourage the perpetuation and indefinite multiplication of a class of pensioned,

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and in some measure privileged persons, like these stipendiaries, we should be willing to sanction any plan founded on the same general principles. On the other hand, referring to our obligations to adhere strictly to the promises and principles of the Minute of Lord Minto, we have always felt that the full assent of the members of the family to any such scheme was an essential condition, and that it should be framed in communication and concert with the influential and leading members.

10. We look upon the letter now addressed to us by Prince Gholam Mahomed as a fair representation of the present feelings and wishes of the members of the family, but find in it no indication of a desire to be relieved from the position of Government stipendiaries, and placed on a footing of independence, which was the aim of Colonel Caulfield's scheme, and the end we desired to promote.

11. We still entertain the same views and wishes for the prospective settlement of the affairs of this family, and we proceed to notice the specific suggestions and requests of Prince Gholam Mahomed, which we have considered with special reference to those ulterior views.

12. The first point is, the inequality of the pensions allotted to members of the family who are by descent of the same relation to their common ancestor, Tippoo Sultan. Gholam Mahomed is himself the only surviving son, and he has furnished us with a list of the grandsons who, it seems, are 25 in number, all of advanced age, and receiving pensions varying from 543½ rupees per mensem, the highest, to 132, the lowest amount. He asks for all these an uniform pension of 600 rupees per mensem. He asks also a similar equality of pension for the grand-daughters, at the rate of the highest existing allowance, viz., 261 rupees per mensem.

13. The inequality of pension thus brought under our notice has had its origin mainly in the unequal number of children left respectively by the deceased sons of Tippoo Sultan. Your Government has always apprehended an indefinite multiplication of these pensioners, and has felt that it was not advisable to establish for all sons an uniform fixed pension. We have participated in this apprehension, and have recognised fully the expediency of discouraging the notion that all children of every description would by mere right of birth become entitled to any fixed provision. The discretion of granting or refusing pensions and of regulating their amount, must continue entirely with you, as specifically laid down in the Minute of Lord Minto, and as asserted and freely used by your Government ever since.

14. His Lordship well observes, that "to retain 12 families, composed at present of upwards of 300 persons, and subject to the natural growth of all societies, especially when favoured by polygamy, and an unlimited number of females; to retain, I say, a multitude in the condition, and to provide for them on the footing of state prisoners of rank, must be an undertaking of such difficulty, complexity, and embarrassment, as to become in the end impracticable."

15. Under the assurance, however, afforded by the present condition and limited number of the grandchildren, and especially the advanced age of all of them, we think a revision may now be made of the pensions they enjoy. All children being by Mahomedan law equal in civil rights, you have hitherto in the granting of pensions made no distinction in this respect, and we are willing to concede, if no objections occur to you, the uniform rate of pension of 600 rupees per mensem to the grandsons, but in granting this boon, we desire you to intimate to all the members of the family, that children who after this announcement may be born of khowasses, shall be placed on an entirely different footing, and shall not be entitled to pension. In re-adjusting the pensions of the grand-daughters and such of the great grandsons and their sisters as are not dependent upon their father, we should wish them also to be treated with corresponding liberality, and we recommend to your favourable consideration the case of the grandson of Hyder Ally Khan, by the brother of Tippoo Sultan, with that of his mother and sister, leaving the stipends of the more remote relations to be made with reference to the circumstances of each individual. While thus increasing the pensions of many members of this family who are more immediately connected with the former rulers of Mysore, we think it right, in conformity with the principles laid down in previous Despatches, to direct your attention to the expediency of devising

a scheme for the eventual discontinuance of the present system, and for the future absorption of the descendants from Tippoo Sultan in more remote degree among the mass of British subjects in India, and the scheme which we suggest for your consideration is the following: on the death of any of the grandchildren of Tippoo Sultan, you should ascertain the relations who have been supported on the pension of such deceased person, and grant to them suitable pensions, with a notice that each pension must cease with the life of the grantee.

16. The next suggestion of Gholam Mahomed is the appointment of a council, to be composed of the most intelligent and deserving members, for the purpose of assisting the Superintendent in the settlement of the disputes, and in the general management of the affairs of the family. We do not see that any advantage would arise from the appointment of such a council, and it would obviously be attended with this very great disadvantage, that it would tend to encourage the idea which Gholam Mahomed evidently entertains, and which we wish to extinguish, that the Mysore family is to continue to be a body, separated from the general population of India.

17. At the same time, considering the now peculiar position of Prince Gholam Mahomed as the only surviving son of Tippoo Sultan, and having regard to the favourable testimony borne by you to his character, we think it desirable that the Superintendent should feel himself at liberty to consult the head of the family in arrangements affecting them, and we have determined in recognition of this position as adviser of the Superintendent, to make to his pension an addition of 1,000 rupees a month, which addition may take effect from the commencement of the month in which he shall notify to you that he has placed himself in personal communication with the Superintendent.

18. As a further mark of our approbation of the conduct of Prince Gholam Mahomed, and to enable him to return to India in a manner suitable to his rank and position in society, we have resolved to present him with the sum of three thousand pounds (3,000 *l.*)

19. With respect to the other questions brought forward by the prince, we do not think it necessary at present to express an opinion, but we shall be ready to give our attention to any suggestions which you may have to make upon the subject.

20. We shall communicate so much of these views to Prince Gholam Mahomed as may suffice to give him assurance that a scheme for his personal benefit, and for the promotion of the interests of the Mysore family, in accordance with his suggestions, will be framed in India under our orders.

We are, &c.
(signed) *E. Macnaghten,*
W. H. Sykes,
&c. &c. &c.

Extract Political Despatch from the Court of Directors of the East India Company to the Government of India, dated 20 February 1856, No. 6.

Answer to Governor General's Letter, dated 6 August 1855, No. 7.

Transmitting papers and Minutes by the members of Government respecting the claims advanced by Prince Gholam Mahomed in behalf of the Mysore family.

76. We observe that every Member of your Government concurs to the fullest extent in the opinion expressed in our letter No. 1 of 1854, respecting the entire absence of any obligation by treaty or engagement on the part of the British Government, either to appropriate to the benefit of the descendants of Tippoo Sultan, the whole of the money specified in the first article of the Partition Treaty of Mysore, or to support the family permanently at the public expense.

77. The able discussion of the whole subject contained in these papers, has even strengthened our view of the case by additional proofs, and the letter which has been addressed to Prince Gholam Mahomed by the Secretary with the Governor General, is an elaborate summary of the argument. The prince having left England before this letter reached us, we were unable to deliver it to him,

as

as requested by the Governor General, but a communication to the same effect has no doubt been made to him on his arrival in India.

78. We are much gratified to find that the Governor General and other members of your Government had determined to recommend to us the increase of the stipend of Prince Gholam Mahomed, which our Political Letter, dated the 4th of July last (No. 16 of 1855), will have subsequently apprised you that we had already granted.

79. With regard to the future provision for the family, the views expressed in the minutes now transmitted to us, and which you announce the intention of following up by a specific proposal, will be considered in connexion with our Despatch above-mentioned.

80. Meanwhile our Financial Letter, dated 28th November 1855 (No. 104), will have informed you that we have adopted one of the suggestions made in the papers before us, and have authorised you to discontinue in the financial books of your Government the separate head of account entitled "The Mysore Princes Fund."

(No. 43.)

The Government of India to the Court of Directors of the East India Company.

Fort William, Foreign Department,
8 April 1856.

Honourable Sirs,

We have now the honour to acknowledge the receipt of your Honourable Court's Despatch, No. 16 of 1855 (Political Department), dated the 4th July, transmitting to us a letter and a memorial from Prince Gholam Mahomed, and calling upon us as well to re-adjust the stipends now received by members of the Mysore family, as to devise a scheme which shall provide for the gradual discontinuance of the present system, and the future absorption of the descendants from Tippoo Sultan among the mass of British subjects in India.

2. After maturely considering the subject in all its bearings, we have caused a provisional resolution to be prepared, of which we now enclose a copy for your consideration, and we propose, should your Honourable Court approve and sanction the same, to give effect to it, in so far as the increase to the stipends of the grand-daughters and great grandchildren of Tippoo Sultan, and to those of the nephew and niece of the said Tippoo and their mother is concerned, from the 26 October 1855, from which date the increase to the stipends of the existing grandsons took effect.

3. We beg to call your particular attention to the 4th clause of the Resolution, and trust that the provision therein made for the sons and daughters of existing grandsons may be in accordance with the views of your Honourable Court.

4. Prince Gholam Mahomed is already in receipt of the increased allowance granted to him by your Honourable Court, as communicated to us in the Despatch above cited.

5. We have thought it advisable meanwhile to call upon the Superintendent of the Mysore Princes, for information on certain points, which are specified at the close of the resolution, and to require that he shall at once give information to the family, of the resolution of the Government, that the stipends now received by begums and khowasses will lapse absolutely on the death of the recipients, and to repeat the warning that children born of khowasses after the 26th October last, will not be entitled to any stipend, or other provision whatever.

6. We propose, with the permission of your Honourable Court, to apply the principle of the rules embodied in the resolution now submitted for your sanction, with the necessary adaptations in each case, to all other political stipendiaries in India, having no hereditary right to their stipends, who have nevertheless been so treated in practice as to encourage them in the hope of leaving their pensions or some portion of their pensions as heir-looms for an

indefinite time to come. This will give a much wider application to the injunctions of your Honourable Court than they were perhaps intended to bear, but the principle is equally just to all, who, like the Mysore family, have no hereditary or guaranteed right, and the expediency of providing avowedly for the general extinction of all ordinary political pensions can hardly be questioned.

7. If this principle should be finally established by the approval of your Honourable Court, we shall cause it to be immediately made known by the local authorities to every person who will be affected by its operation, within their several jurisdictions.

8. In the memorial, copy of which was transmitted to us with your Honourable Court's Despatch above referred to, Prince Gholam Mahomed makes the following additional requests, viz:—

1. Exemption from ground-rent and the municipal assessment for the mosque and godowns attached to it in Dhurumtolal.

2. A monthly allowance for medicines.

3. Another cemetery.

4. A fixed allowance of 500 rupees for funeral ceremonies, fatiheh expenses, &c., in addition to the stipends of the family.

5. A present of three houses belonging to Government at present occupied by some of the family.

6. Advances for marriage expenses from the "Mysore Fund," and a dower from the same source for the females who marry out of the family.

As required by the 19th para. of your Despatch under acknowledgment, we beg to suggest that in consideration of the ample stipends now to be accorded to the several living descendants of Tippoo Sultan, the first and second requests should be rejected. We should be disposed to accede to the third and fifth requests, without any reservation, and on receiving the permission of your Honourable Court, we will take means to place at the disposal of the family the ground requisite for a "new cemetery," and to transfer the three houses specified. The fourth request we think, may be granted on the understanding that the allowance specified will be given so long as pensions continue to be paid, but no longer.

9. It may be noticed with reference to the terms of the sixth request, that the so-called "Mysore fund" no longer exists, its discontinuance, as a separate head of account, having been directed. But we see no objection to allow daughters of existing grandchildren of Tippoo Sultan, to have the pensions which would be receivable by them under the rules now proposed at the decease of their stipendiary parent, commuted to one sum payable to them during the lifetime of such stipendiary parent, by way of an advance for marriage and dower, provided that application to that effect be duly made to the Government. We have caused a provision to the foregoing effect to be inserted in the 4th clause of the accompanying resolution.

We have, &c.
(signed) *Canning.*
George Anson.
J. Dorin.
J. P. Grant.
B. Peacock.

Extract from the Proceedings of the Government of India, in the Foreign Department; dated 28 March 1856.

Read again the following papers; viz.:—

1. Despatch from the Honourable the Court of Directors, No 1 of 1854, dated the 4th January.

2. Letter from Under Secretary to the Government of Bengal, No. 885, dated the 29th April 1854.

3. Letter

3. Letter from Prince Gholam Mahomed to the Most Noble Marquis of Dalhousie, K.T., Governor General of India, dated the 21st May 1854.

4. Note by the Secretary in the Foreign Department, dated 24th November 1854.

5. Minute by the Most Noble the Governor General, dated 24th January 1855, concurred in by the Honourable Mr. Dorin, and the Honourable General Low, C.B.

6. Minute by the Honourable J. P. Grant, dated 13th March 1855.

7. Minute by the Honourable B. Peacock, dated 18th June 1855.

8. Letter from Officiating Secretary in the Foreign Department to Secretary with the Governor General, No. 2362, dated 29th June 1855.

9. Reply to Officiating Secretary in the Foreign Department, from Secretary with Governor General, No 415, dated 31st July 1855, enclosing a Minute recorded by his Lordship under date the 20th idem.

10. Despatch from the Honourable Court of Directors, No. 16 of 1855, dated the 4th July, with enclosures.

11. Letter from Secretary with the Governor General, No. 568, dated the 26th September 1855.

12. Letter to the Officiating Superintendent Mysore Princes, No. 3300, dated 12th September 1855.

13. Letter to the Officiating Superintendent Mysore Princes, No. 3855, dated 26th October 1855.

The Governor General in Council, having maturely considered the correspondence above noted, is pleased to resolve, subject to final confirmation by the Honourable Court of Directors, that the grant of stipends to the members of the Mysore family shall be regulated by the following rules. It is resolved accordingly, subject to the condition above declared—

1st. That in pursuance of the instructions conveyed in the Despatch No. 16 of 1855, dated the 4th July, the sum of 1,000 rupees per mensem shall be added to the allowance (2,096 rupees) now received by Prince Gholam Mahomed, the only surviving son of Tippoo Sultan, the said increase to have effect from the 1st August last.

2d. That the allowances received before the 26th October 1855 by the grandsons of Tippoo Sultan, varying from *Rs.* 543. 8. to 132 rupees, be equalized, and a uniform stipend of 600 rupees per mensem be assigned to each such grandson for his life, lapsing at his death.

3d. That the allowances now received by the grand-daughters of Tippoo Sultan, varying from 261 rupees to 66 rupees per mensem, be equalized, and a uniform stipend of 261 rupees be assigned to each of the said grand-daughters for her lifetime, lapsing at her death.

4th. That, on the death of any of the grandsons or grand-daughters of Tippoo Sultan, the Superintendent of Mysore Princes shall report the number and names and relationship of those relations who have been supported on the stipend of such deceased person; and that it shall be competent to the Government of India, on a consideration of all the circumstances then existing, to assign to each or any of them such pension or pensions as it may think proper.

And whereas by clauses 7 and 8 of this Resolution the existing stipends of great grandsons and great grand-daughters of Tippoo Sultan are to be raised to 200 rupees and 100 rupees respectively, it is resolved that, on the decease of any grandchild of Tippoo Sultan, the Government shall be at liberty to assign to the sons and daughters (now living, and not being sons and daughters born of khowasses) of such grandchild, pensions of 200 rupees and 100 rupees per mensem respectively, granting to the other relations, who may have been supported on the stipend of the deceased, such allowances as it may think proper: provided always, that all pensions and allowances so granted to the sons and

daughters and other relations of such deceased grandchild of Tippoo Sultan, shall lapse absolutely and finally on the death of the grantees.

And it is further resolved, that, on application to that effect being duly made, the Government shall be competent, once for all, to commute the amount of pension, which would be receivable by any great grand-daughter of Tippoo Sultan according to the foregoing resolution, to one sum payable to her during the lifetime of her stipendiary parent, by way of an advance for marriage and dower.

5th. That it be distinctly understood, and explained to the members of the Mysore family, that children born of khowasses, after 26th October 1855, will not be entitled to any stipend or other provision whatsoever.

6th. That it be further understood and explained that the stipends of all begums and khowasses will lapse, absolutely and finally, on the death of the stipendiaries severally.

7th. That the allowances now received by the great grandsons of Tippoo Sultan, varying from 190 rupees to 50 rupees, be equalised, and a uniform stipend of 200 rupees per mensem be assigned to each of such great grandsons for his lifetime, lapsing absolutely and finally at his death.

8th. That the allowances now received by the great grand-daughters of Tippoo Sultan, varying from 90 rupees to 21 rupees per mensem, be equalized, and a uniform stipend of 100 rupees per mensem be assigned to each of such great grand-daughters for her lifetime, lapsing absolutely and finally at her death.

9th. That, on special considerations, the allowances now received by Nuwab Gholam Alee, the nephew, and by his sister, the niece of Tippoo Sultan, and by their mother, the widow of the late Nuwab Kurreem Shah, be readjusted as follows, viz.:

To Nuwab Gholam Alee - -	*Rs.* 1,000	per mensem.
To his sister - - - - -	200	„
To their mother - - - -	200	„

and that each of these stipends lapse, absolutely and finally, at the death of the recipient.

10th. That if any exceptional case not expressly provided for by the foregoing rules shall arise, it shall be competent to the Governor General in Council to deal with it in such manner as may be thought fitting, subject always to the final sanction of the Honourable Court of Directors.

Ordered, that the foregoing Resolution be submitted to the Honourable Court of Directors for their consideration, with an intimation that, if it be sanctioned, the Governor General in Council proposes to give effect to it, in so far as the increase to the stipends of all except Prince Gholam Mahomed is concerned, from he 26th October 1855.

Ordered further, that meanwhile the Superintendent of Mysore Princes be requested to submit separate statements, showing the grandsons and grand-daughters, the great grandsons and great grand-daughters of Tippoo Sultan, as well as the begums and khowasses, together with the amount of the stipend which each of the afore-mentioned receives at the present moment.

And that he be further desired to repeat the intimation to all the members of the Mysore family that children born of khowasses after 26th October last will not be entitled to any pension or other provision whatever; and also to inform them that the stipends of the begums and khowasses will lapse absolutely and finally at the death of the present recipients.

(signed) *G. F. Edmonstone,*
Secretary to the Government of India.

POLITICAL DESPATCH from the Court of Directors of the East India Company to the Government of India, dated 2 January 1857, No. 1.

1. WE now reply to your letter of the 8th of April 1856, No. 43 in the Foreign Department, relating to the allowances of the family of the late Hyder Ali and Tippoo Sultan of Mysore.

2. We have, in previous despatches on this subject, explained the principles by which we wish you to be guided in assigning pensions to the members of this family; and you have rightly understood our desire to extinguish gradually the system by which the descendants of the Sultan of Mysore have been maintained as a separate race, specially endowed by the British Government; and to see the entire family eventually amalgamate with the general mass of the population of India. But this end, however desirable, is not to be precipitately attained. It is incumbent upon us, in all our arrangements with this family, and with others placed in a similar position, to bear steadily in mind that it would not be in accordance with that just and liberal policy which should actuate our proceedings towards the families of the deposed princes of India to allow considerations either of financial expediency or of social economy to induce us to make such sudden changes in an existing system as could not fail to be attended with suffering and possible degradation to those who have hitherto been entirely dependent on our Government for support.

3. In the general tenor of the provisional resolutions submitted to us in the Despatch under reply, we fully recognise your attention to the policy indicated by us in former communications. The first, second, and third of these resolutions are, indeed, in strict conformity with the orders or suggestions of our previous despatches, and therefore have our entire approval.

4. The fourth Resolution declares, that on the decease of any grandchild of Tippoo Sultan, the superintendent shall report fully upon the circumstances of his or her surviving family, and that it shall then be in the discretion of the Government to assign to each or any of them a pension not exceeding in amount that assigned by the proposed resolutions to any person standing in the same degree of relationship to Tippoo Sultan. And after adverting by anticipation to the 7th and 8th clauses, by which it is proposed to fix the stipends of the great-grandsons and great-granddaughters of Tippoo Sultan respectively at 200 rupees, and 100 rupees per month, you have inserted in the resolutions a proviso, that "all pensions and allowances so granted to the sons and daughters and other relations of such deceased grandchild of Tippoo Sultan shall lapse absolutely and finally on the death of the grantees."

5. This Resolution has been framed in accordance with our Despatch of the 4th of July 1855, in which we said: "On the death of any of the grandchildren of Tippoo Sultan, you should ascertain the relations who have been supported on the pension of such deceased person, and grant to them suitable pensions, with a notice that each pension must cease with the life of the grantee." But we did not desire by these instructions to direct the absolute and final withdrawal of all support from members of the family beyond the fourth generation. When we undertook to maintain the families of Hyder Ali and Tippoo Sultan, no specific limit was assigned to the number of generations for which we were to make provision. On the other hand, the assignment of stipends in perpetuity to generation after generation of the Mysore family, without reference to the continually increasing number of stipendiaries, is an evil never contemplated, and against which it is manifestly necessary to guard. But we are of opinion that the claims of legitimate descendants cannot in all cases be equitably ignored. We consider, therefore, that it will be expedient to omit the proviso of absolute lapse, and by your practice to establish the principle that beyond the fourth generation the members of the family must expect only such assistance from the British Government as may, at the time, appear to be called for, on a full consideration of the circumstances of each individual case.

6. The fifth Resolution declares that children born of khowasses, after the 25th of October 1855, shall not be entitled to any stipend or other provision

whatever. This Resolution was communicated to the grand-sons of Tippoo Sultan in October 1855, and the warning was repeated in March 1856. It is conformable to our instructions of July 1855, desiring you "to intimate to all the members of the family that children who, after this announcement, may be born of khowasses, shall be placed on an entirely different footing, and shall not be entitled to pensions."

7. The sixth Resolution, enjoining the absolute lapse of pensions enjoyed by begums and khowasses is approved. We observe that your determination has been already announced to the persons interested. It will not prevent your considering claims on your humanity put forth by the dependants of those females left destitute by the death of their patronesses, and relieving them in some less objectionable form than that of a multiplicity of petty stipends.

8. The seventh and eighth Resolutions, by which it is proposed that the stipends of the great-grandsons and great-granddaughters of Tippoo Sultan shall be fixed at an equalised rate respectively of 200 and 100 rupees per mensem, are approved.

9. The ninth Resolution, granting increased pensions to the family of the brother of Tippoo Sultan, is consistent with our instructions; and presuming that the Nawab Gholam Ali and his sister have no children, we approve of your resolution, that their allowances shall, on their decease, lapse to the Government. We leave it to your discretion to deal with dependants who may be left destitute at the decease of these stipendiaries, and whose cases may deserve consideration.

10. The tenth Resolution is specifically framed to meet exceptional cases. It is unnecessary, because it must always be competent to you, with our sanction, to provide for any such cases, and the publication of the resolution would be objectionable, as it would tend to raise false hopes, each person considering his own case an exception to the general rule.

11. It now remains for us to notice that part of your letter under reply, which relates to certain specific requests made by Prince Gholam Mahomed when in England, and referred to your Government for decision. We approve of the manner in which you propose to deal with these matters. But if the second request, for a monthly allowance for medicines, should be urged with much earnestness by the prince, or its denial should be regarded by him as a grievance, we should not object to your conceding the point. The first request, involving considerations of municipal government, with which we are unwilling to interfere, cannot so easily be granted.

12. In the sixth para. of your letter, you propose, with our permission, "to apply the principle of the rules embodied in the resolutions now submitted for our sanction, with the necessary adaptations in each case, to all other political stipendiaries in India, having no hereditary right to their stipends, who have, nevertheless, been so treated in practice as to encourage them in the hope of leaving their pensions, or some portion of their pensions, as heirlooms for an indefinite time." The resolutions which you have submitted to us with especial reference to the Mysore family are, in our opinion, sufficiently liberal to be applied, with the necessary qualifications suggested by peculiar circumstances in each case (and after previous reference to us in every instance), to the members of other families now dependant upon our Government for support. We have on former occasions expressed the wish which we entertain to see these pensioners gradually converted into self-supporting members of society; and we have called your especial attention to the expediency of attaining this desirable end by finding public employment for any duly qualified member of the Mysore family. We do not observe, however, that this has been done; and we conclude, therefore, that either the opportunity has been wanting, or that the family themselves do not yet understand that it is more honourable to be an useful public functionary than a mere pensioner of the State.

To

To *J. C. Melvill*, Esq., Secretary to the Secretary of State for India, &c., &c.

Sir,

I BEG you will submit to the Secretary of State for India, for his consideration in Council, the enclosed memorial on the subject of the present and future condition of the families of Hyder Ali Khan and Tippoo Sultan, of the latter of whom I am now the only surviving son.

The indulgent consideration with which I was treated by the Honourable Court of Directors of the East India Company when before in England, gives me the hope that Lord Stanley will receive this memorial.

Sir James Melvill, the Secretary of the Court of Directors, in his letter to me, dated 29th June 1855, stated that "in consideration of my rank and character, the Court waived the general objection (to receiving memorials through any other channel than that of the Indian Government) in my favour," and gave its consideration to the matters I then represented, without deeming it necessary to wait for any specific report on the subject from the Governor General in Council. As the matters brought under consideration in the enclosed memorial have already been the subject of frequent discussion between the Indian Government and the home authorities, and all the documents and references necessary to their full and perfect understanding are forthcoming in this country, it is my earnest request and hope that the Secretary of State for India will, with the aid of his Council, feel himself prepared to take the memorial at once into consideration, calling upon me for any further explanations that the case may seem to require, and will issue thereupon such orders and instructions as to his wisdom and sense of justice may seem proper.

Again begging of you to take an early opportunity of laying the memorial before the Secretary of State in Council, I request you will accept my thanks for the consideration already shown to me on various occasions, and my excuses for giving you this further trouble.

I have, &c.

The Oriental Hotel, Vere-street, 16 May 1859.

(signed) *Gholam Mohumed.*

To the Right Honourable the Secretary of State for India in Council,

The Memorial of Prince *Gholam Mohumed*, only surviving Son of the late *Tippoo Sultan*, and Grandson of the late *Hyder Ali Khan*, for himself, and for the other Members of their respective Families,

Respectfully showeth,—

THAT on the 6th February 1859, your memorialist placed in the hands of Major Bowie, the Superintendent of the Mysore Princes, a memorial, for transmission to the Viceroy and Governor General of India in Council, and eventually to the home authorities, which the superintendent returned to your memorialist on the following day, declining to forward it, for the reasons assigned in his letter, which is quoted in the margin.

LETTER from Major *Bowie* to His Highness Prince *Gholam Mohumed*.

My dear Prince,

I HAVE read over the memorial which you left with me yesterday, and as I was, and still am, under the impression that the affairs of the Mysore family as to money matters were finally settled in 1855 and 1857, when the Government most liberally granted to your Highness an additional sum of one thousand rupees (1,000 Co.'s rupees) monthly, and the additional sum of fifteen thousand five hundred and thirty-two rupees, and fifteen annas and

This refusal on the part of the Superintendent to permit the memorial to be sent through the regular channel, has necessitated a direct appeal to your Lordship in Council, for your memorialist considers it a sacred duty imposed upon him as head of the Mysore families, to return once more to the question of their just rights and expectations, and as he cannot hope to number many more years to his life, he is desirous before the time arrives, when he shall also join his forefathers, that the present and future maintenance of these families should be finally and permanently settled in a satisfactory

one pie (*Co.'s Rs.* 15,532. 15. 1.) to the other members of the family by raising the stipends of all grandsons to 600 rupees each per mensem, and placing the great-grandsons on a much better footing with regard to stipends than they were on before; I fail to see that I should either be doing my duty, or a service to you, by forwarding the memorial in question, which I herewith beg to return. I may add, that I do not think you are doing a right thing in bringing forward a question which has, to all purposes, been long ago settled, or in laying claim to a sum of money which by no possible means can you lay claim to with any justice.

I remain, my dear Prince, ever yours sincerely,

(signed) *C. V. Bowie*, Major,
Superintendent Mysore Princes.

Superintendent Mysore Princes' Office,
Fort William, 7 February 1859.

P.S.—Since writing the above, I have read over Mr. Secretary Edmonstone's letter, No. 414, of the 31st July 1855, which makes me more firm in my opinion that your memorial should not be forwarded, for it proves to me that your claim is one which cannot for one moment stand good; and that it is also one which you have either in this shape, or some other, already had forwarded twice before. In case you should have lost or forgotten the letter just made mention of, I will do myself the pleasure of sending your Highness a copy of it to-morrow

(signed) *C. V. Bowie*, Major,
Superintendent Mysore Princes.

From *G. F. Edmonstone*, Esq., to His Highness Prince *Gholam Mahomed.*

Sir, Ootoocamund, 31 July 1855.

I AM directed by the most Noble the Governor General to acknowledge the receipt of your letter, dated London, 21st May 1854, in which you say that you have been told the substance of the decision to which the Honourable Court have come upon your recent memorial, and that you apprehend that the Honourable Court must have been under misapprehension in respect to the real nature of the position and claims of your family. On this ground, you proceed to restate your claims, and request his Lordship in Council to reconsider the resolution of Lord Minto's Government in 1807, regarding your rights and those of your family, which resolution you term the "Charter" of your claims, and you express your hope that after its perusal, your case may be recommended by the Governor General in Council once more to the manner, so that at his last moments he may feel the happiness of having fulfilled his duty towards the descendants of their common ancestor Hyder Ali Khan, and at the same time be grateful to your Government for the accomplishment of this just object.

Your memorialist has studied with the deepest attention the letter (referred to by Major Bowie) from Mr. Secretary Edmonstone, of 31st July 1855, conveying the reply of the Governor General in Council to your memorialist's letter of 21st May 1854, in which he submitted a statement of the real nature of the position and claims of the Mysore family, which he had reason to apprehend the late Court of Directors had in some degree misunderstood; but as the arguments adduced in Mr. Edmonstone's letter against the validity of those claims, have failed to convince him that the prayer of his memorial ought to have been rejected, he respectfully requests your Lordship in Council to take the whole subject into your consideration, trusting that he will be able to show from the official documents and correspondence at the time when the treaty was made, that it was the undoubted intention of Lord Wellesley (the then Governor General) to make a permanent and hereditary provision for the families of Hyder Ali Khan and Tippoo Sultan, out of the territories conquered from your memorialist's father.

the reconsideration of the Honourable Court. In conclusion, you ask five or six lacs of rupees out of the accumulated savings referred to, which may be distributed amongst the family, in such manner as you may suggest.

2d. Having carefully studied the papers in the case, his Lordship and the members of the Council are unable to perceive that the Honourable Court have misapprehended in the least degree the grounds upon which their decision has been based.

3. The treaty relied on was not made with the family of Tippoo Sultaun, or with any one on the part of that family; it was a treaty with the Nizam, the sole purpose of which was to regulate the partition of the conquered territory between the two parties to the treaty, who, as allies had made the conquest. In estimating the values of the respective shares in the partition made of the conquered territory, credit to a certain amount was taken by the British Government for the cost of maintaining Tippoo Sultan's family, whose maintenance that Government took upon itself, and on the other hand credit was taken by the Nizam to a certain amount for the cost of maintaining a certain chief, whose maintenance the Nizam took upon himself, and a part of the conquered territory was appropriated accordingly.

Your memorialist respectfully submits that the object of the treaty was not confined to the mere partition of territory between the Company and the Nizam. It was based upon motives of state policy which Lord Wellesley communicated to "the Commissioners for the affairs of Mysore," in his letter to them under date, 20 May 1799, from which the following is an extract:—"That mode of settlement is to be preferred which shall unite the most speedy restoration of peace and order, with the greatest practicable security; for the continuance of both, for this purpose, not only the interests of the company but those of the Nizam of the Mahrattas, and of the leading chieftains in Mysore must be conciliated."

Accordingly, the Partition Treaty made provision for,—

1. A cession of territory to the Company burdened with a provision for the families of Mysore.

2. A cession of territory to the Nizam burdened with a provision for Cummeroodeen Khan, his family, and relations—*see* Art. 2.

3. A cession of territory for the establishment of a separate kingdom in Mysore, burdened (in the subsidiary treaty) with a provision for certain chieftains of Tippoo Sultan.—Art. 4, 5.

4. A cession of territory to His Highness the Peshwa, although he had neither participated in the expense or danger of the war.—Art. 7.

The provision for your memorialist's family is contained in the first article of the Treaty, in the following words:—

"The East India Company engages to provide effectually out of the revenues of the said districts, for the suitable maintenance of the whole of the families of the late Hyder Ali Khan, and of the late Tippoo Sultan, and to apply to this purpose (with the reservation hereinafter stated) an annual sum of not less than two lacs of star pagodas."

4. A claim under treaty cannot be founded upon this partition treaty, on the part of persons who were no parties to it, and whose names were only mentioned in it because of the benevolence of those who were the parties to it. Noticing the fact that the claimants were no parties to the treaty on which they rely, the Honourable Court have remarked that the treaty expressly provided

Your memorialist could not have believed that the obligation to fulfil this solemn engagement could for one moment have been questioned, nor can he understand the force of the reasoning "that a claim under treaty cannot be founded upon this partition treaty by persons who were no parties to it, and whose names were only mentioned because of the benevolence of those who

vided for the limitation or entire suspension of the stipend, in the event of any member of the Mysore family becoming implicated in any hostile attempt against either of the conquering powers: that afterwards a member of the family was proved to be implicated in such a hostile attempt, viz., the Vellore mutiny, in consequence of which the provisions in the treaty in favour of the family ceased to have effect, and the allowances of the family were withdrawn in 1806; that subsequently, viz., in October 1807, smaller allowances irrespective of the amount mentioned in the treaty were given to the princes, "only for the lives of the princes respectively;" and that these allowances were accepted as life grants, and the Government has never renounced its undoubted right to do what it pleases in respect of them on the death of a stipendiary.

who were parties to it." It was a contract between two parties for the benefit of a third; and your memorialist submits that the good faith of the East India Company, being in fact sole trustee, was as much pledged to perform this part of the treaty as if it had been made in terms for the benefit of the other contracting party.

There was no necessity to have undertaken the obligation at all, nor to have included it in the Treaty; but once undertaken, it was proclaimed to all the world, and surely its fulfilment became imperative.

If the argument had been, that in consequence of the mutiny at Vellore, the Mysore family had by a violation of Art. 6, forfeited their right to claim under treaty, your memorialist could have understood it; but that is not the ground taken by the Governor General in Council, and though this ground is alluded to by "the Court," as having been proved against a member of your memorialist's family, the Government of the time did not appear to think that the event referred to could be characterised as a "hostile attempt against the authority of the contracting parties;" nor that the evidence of Prince Moizoodeen's implication in it was sufficient to justify the Government in releasing itself from the obligations of the treaty, in favour of the parties comprehended in its terms. The families were, it is true, removed from Vellore to Calcutta, but the Governor General, Lord Minto, in his Minute of October 1807, recorded his opinion on the subject in the following terms:—

"They (the families of Hyder and Tippoo) were felt, by the generous character of our country, to be persons entitled to all the consideration which belongs to illustrious birth, and to the tenderness which is due to misfortune, especially in a vanquished family. We have to inquire what change in these principles the events of Vellore and the transplantation of the family to Bengal should induce. I confess that to me the principle appears to remain the same, and that a change only in some particulars of the arrangement is rendered advisable by the new occurrences just adverted to: it still becomes us to show as much generosity towards these families as is consistent with public security under present circumstances, and these, I think, will be found on consideration, rather to admit of relaxation than to require an augmentation of restraint."

In respect to allowances, Lord Minto observed: "I really think that the present amount of allowances to the sons of Tippoo, in all cases except that of Futteh Hyder, falls somewhat short of the general principle of fit and becoming liberality applicable to this occasion, as it has been described in the early part of this Minute. Some reduction of the allowances first established at Vellore (50,000 rupees a year) I entirely approve of, because those allowances afforded the means of accumulation, which might be applied to improper purposes, or might at least suggest designs of a nature troublesome to us, and probably fatal to themselves."

Your memorialist submits that there is nothing in these extracts to bear out the statement of the Honourable Court that in consequence of the mutiny, "the Provisions in the Treaty ceased to have effect." Specific allowances to the individual members of the family were not fixed by treaty, and the right of Government

ment to apportion what they considered a "suitable maintenance" for the different princes out of the amount mentioned in the Treaty, has never been called in question by the family. Government were at perfect liberty to diminish the amount fixed in the first instance for the elder princes, provided the diminished allowance was still in accordance with the requirements of the Treaty, and the "whole of the families" were duly provided for.

It is to be observed that, although the sum allotted by Lord Minto to each prince was declared to be only for life, on which much stress is laid, yet, in the very next paragraph his Lordship intimates, "That on their decease, Government reserved the power of making provision for the widows, descendants, or other members of these families, as shall be deemed proper under the circumstances."

All this was wise and proper, and none of these arrangements imply that Lord Minto or any member of his Government had the intention of setting aside the Treaty, or in any way of diminishing the amount of benefit secured by it to the family of Mysore.

5th. This argument, founded upon the effect of the Vellore mutiny, the express words of the Government Resolution of 1807, and the practice of half a century, in no one year of which has the amount mentioned in the Treaty ever been expended upon the family, seems to his Lordship conclusive.

The mere fact that for "half a century," that is, since the time of the mutiny, "the amount mentioned in the Treaty has never been in any one year expended on the family," is no proof to your memorialist of the invalidity of their claim; there was the same state of things before the mutiny took place, as appears from the following extract of a letter of the late Duke of Wellington, under date the 29th November 1799.

"I have the honour to enclose you a statement of the fund provided by treaty for the family of Tippoo Sultan; you will perceive that although the provision made for every person connected with the family is handsome, there is a large balance in favour of the Company, and Government will be enabled to provide equally handsomely for the younger branches of the family as they advance in years." And again, in a letter to his brother dated,

"Seringapatam, 9th June 1801.

"Some of the little boys are going away in a few days, and from a conversation which I had this day with Marriott, who is here in charge of the family, I find that it is intended to propose to Government to provide for the three eldest of these boys at present by taking away from Futteh Hyder, &c., now at Vellore, 1,000 rupees per mensem each, which sum is to be given to those now going down. I hope you will take care that that shall not be done; the family don't now spend more than half the sum allotted to them by treaty, and there surely can be no grounds for this shameful breach of faith with persons in our power."

It appears not improbable to your memorialist that in no one year before the mutiny, any more than after it, had the full amount mentioned in the Treaty been ever expended upon the family; nevertheless, if the provision for all the members was "suitable," the obligations of the Treaty were no doubt fulfilled.

6th. You make a point of the innocence of the princes generally of the Vellore mutiny, and of their uniform loyalty and good conduct ever since that time. The fact must be admitted to the fullest extent, but it does not operate in the manner which the Mysore family intend, that is to say, as an argument

But it is unnecessary to dwell longer on the subject of the Vellore mutiny, as the Governor General proceeds to say that he would have considered the claims of the Mysore Family invalid even if there had never been a mutiny.

gument addressed to the generosity of the British Government, against taking advantage of the letter of the provisions of the Treaty, in order to take away the permanent hereditary property of a whole family only because of the guilt of one member of it. His Lordship would hold his present opinion of the invalidity of your claim if there had never been a Vellore mutiny.

7th. His Lordship holds it to be an extravagant and indefensible assertion to say that the British Government either engaged or intended at the time of the Partition Treaty of 1799, to charge permanently the public revenues of India with seven lacs of rupees a year as the hereditary property of the descendants of Hyder Ali Khan (of whom Tippoo Sultan was one) from generation to generation for all ages to come, upon the single condition of their continuing loyal.

It appears to your memorialist that the Governor General here seems to judge of the past too much from the impressions of the present time. The true mode of determining what the Governor General of 1799 engaged to do, and really intended, is by reference to the Minutes and Correspondence of the day; there can be no other evidence to be depended on, and fortunately this exists in the present instance, either in Parliamentary Documents or in publications of an authority beyond all question. Judging from these, and especially from the Letters of Lord Wellesley and his illustrious brother, your memorialist firmly believes it to have been Lord Wellesley's intention in partitioning out the conquered territory of Mysore, to make therefrom a permanent hereditary provision for the deposed family, of whom his Lordship thus wrote to the Court of Directors on the 3d August 1799: "It would have been more grateful to my mind (securing a munificent provision for the ancient family of Mysore), to have restored that of Tippoo to the Throne; but considerations of policy, &c., &c., induced me to adopt the resolution of preferring the descendants of the Rajahs of Mysore to the heir of Tippoo Sultan; I determined at the same time to grant to the families of Hyder Ali and Tippoo Sultan a more magnificent maintenance than either had enjoyed during the late reign, and to provide with the same liberality for the principal Mahomedan officers and chiefs of the State who had survived the Sultan, and for the families of all those who had fallen in the course of the war."

The late Governor General uses the words "upon the single condition of their continuing loyal;" when such words were used, loyalty was more generally felt through India than it has been unhappily since, but the words being used, bring to your memorialist's mind the fact of Government having since, generously and justly, rewarded by khelats, jaghires, &c., those Indians who have remained loyal during the late unfortunate disturbances in India. Your memorialist and the other members of the Mysore family, whose loyalty and attachment to the English rule in India is well and firmly known, do not seek any reward for such loyalty, but only ask for the promises to be fulfilled which were given and made by the Partition Treaty of 1799, confirmed by Her Gracious Majesty's Proclamation of 1st November 1858.

In order that there might be no misunderstanding as to the meaning of the Treaty, his Lordship recorded the following explanatory memorandum: "The principle of partition between the Nizam and Company assumed in the 1st and 2d articles is, that each party should retain in direct sovereignty, an equal share of unencumbered territorial revenue, deduction being made from both sides of the amount of pensions for jaghires, of which each party was to bear the charge."

The estimated value of districts assigned to the Company and Nizam is thus stated in the 1st and 2d Articles of the Treaty:

"Districts;

" Districts enumerated in Schedule A.		" Districts enumerated in Schedule B.	
Canteria pagodas - -	7,77,000	Canteria pagodas - -	6,07,332
Deduct provision for the families of Hyder Ali Khan and Tippoo Sultan, two lacs of star pagodas, Canteria pagodas - -	2,40,000	Deduct personal jaghire to Kummeroodeen Bahadur 2,10,100 rupees, or Canteria pagodas - -	70,000
Remains for the Company -	5,37,000	Remains to the Nizam -	5,37,332"

In announcing this to the Court of Directors under date 3d August 1799, his Lordship observed, " It was desirable that the territorial revenue retained in sovereignty by the Company (after deducting whatever charges might be annexed to the tenure) should not exceed the Nizam's portion, and accordingly I determined that this principle should be observed in the partition, reserving however to the Company as a just indemnification for their superior share in the expenses and exertions of the war, the principal benefit of whatever advantages might flow from any engagements to be contracted with the new Government of Mysore ;" and he thus summed up the financial results in his letter of the same date : " By the Partition Treaty of Mysore you have acquired an augmentation of direct territorial revenue to the annual amount of star pagodas - - - - 6,47,641

" By the Subsidiary Treaty of Seringapatam you have secured an annual subsidy of star pagodas - - - 7,00,000

" Making together the sum of star pagodas - - 13,47,641

" And leaving (after deducting the provision allotted for the families of Hyder Ali Khan and Tippoo Sultan) 2,00,000

" An annual increase of your funds in this quarter of India of star pagodas - - - - - - 11,47,641

" Or £. 459,056."

The late Governor General seems to your memorialist to regard the territory taken in order that its revenue might be appropriated specifically for the maintenance of the family of the deposed sovereign, as if it were an acquisition made generally for the benefit of the East India Company, and which it was optional with the Government of the day to encumber with stipends or not, at its pleasure ; but your memorialist submits, in opposition to this opinion, that the sum of seven lacs of rupees (two lacs star pagodas) was over and above the territorial revenue acquired by the East India Company for its proper use. It was a charge annexed to the assignment of the districts, for the express and sole purpose of providing for the maintenance of the Mysore family, and to divert this revenue to the use of the Company, except under the provisions of the 6th article of the Treaty (which his Lordship repudiates), would, your memorialist apprehends, be considered a misappropriation of an income which was allotted for a specific purpose.

8. His Lordship has carefully read the whole of Lord Wellesley's correspondence upon the subject, and, from first to last, he does not find one word to warrant the belief that such a notion as making a permanent hereditary provision for these persons and their descendants was ever contemplated by that statesman. All his promises and arrangements were with reference to the individuals of the families then in existence before him.

Your memorialist can find nothing in Lord Wellesley's despatches to warrant the conclusion that the object was to provide solely for the " individuals of the families then in existence before him." His Lordship writes thus, 30 June 1799 : " The whole of the deposed family will therefore be settled at Vellore, and no reasonable expense will be refused by me which can contribute to their comfort or accommodation on a munificent scale suited to

In first announcing his intentions towards "the Sultan's family" he authorises the allotment of a stipend "to each of them," *i. e.*, to each of the family, but says not a word about stipends to their heirs.

the rank in which they were born;" and on 4th June to the Commissioners: "Colonel Wellesley will judge whether it may be necessary to give either to the whole or to any branch of the family any specific assurance of the exact amount of the sums to be allotted to them respectively. If any such particular explanation should appear necessary for their satisfaction, I authorise you to make the allotment of stipend to each of them, as well as for the establishment of the zenana, provided that the total sum for the maintenance of the family be not stated at more than three, or at the utmost, four lacs of pagodas. The females and children of the several families must follow the princes as speedily as possible. Colonel Wellesley, in my name, will give the most unequivocal assurance of protection and indulgence to every branch of the family."

Your memorialist believes, that the above quotations will leave on the mind of your Lordship in Council a very different impression from that which the few words quoted in Mr. Edmonstone's letter are calculated to convey.

9. His Lordship can hardly think it possible to have expressed the personal character of the provision contemplated by the Treaty, and its effect for the lives only of the recipients, more distinctly than in these words in Article 6 of the Treaty: "The English East India Company Bahadur shall be at liberty to make such deductions from time to time from the sums allotted by the 1st article of this Treaty, for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan, as may be proper in consequence of the decease of any member of the said families." The corresponding engagement which was undertaken by the Nizam to provide liberally for the support of Meer Kummeroodeen Khan, and of his family and relations, required no such special clause respecting deductions, because it was specified that this provision, which was to the extent of 2,45,000 rupees, should be in the form of a jaghire, which, properly speaking, is a life grant of the revenues of land. The inference that the corresponding provision which the other party undertook to make was also personal is irresistible.

Your memorialist submits that there is nothing in the 6th article of the Treaty to justify the conclusion that the provision was only intended for "Persons then in existence," or that it was meant to be subject to any serious amount of diminution so long as births supplied the vacancies by death, and there was no diminution of the original numbers to be provided for. Such a construction would be at variance with the plain meaning of the 1st article, whereby provision was made for the "suitable maintenance of the whole of the families," and would be in direct opposition to the principle of partition between the Company and the Nizam; for if the burdens had been limited to the lives of the persons then in existence, the lapse of a single generation would have destroyed that equality of appropriation which was the very basis of the Treaty. With reference to the argument founded on the assertion that Kummeroodeen Khan's provision was only for life, your memorialist submits that a jaghire, especially a khass, or personal one, is very frequently a perpetual and transferable estate. Those granted by Lord Lake, after the Mahratta war, in the territory west of the Jumna, were all of this character, and though called jaghires, have been continued to the families of the grantees; and the late East India Company has recognised many other such, after the extinction of the native Governments by which they were originally granted, so that they are now considered as family properties of which the holders could not be rightfully dispossessed, and to which their legal heirs succeed as a matter of course.

The necessity of conciliating Meer Kummeroodeen was thought by the authorities of the time of the utmost importance, and the Duke of Wellington on the 13th May 1799, thus wrote to the Governor General regarding him: "He has rendered us a service almost as great as any of those rendered by his Highness the Nizam.

Nizam. But the Nizam may be satisfied by another part of the territory, and in that case there can be no doubt of the propriety of rewarding Kummeroodeen Khan" (by giving him the jaghire he wished).

Accordingly there was granted by the 2d article of the Treaty, for the support of Meer Kummeroodeen Khan, and "of his family and relations, a personal jaghire in the district of Gurromcondah, equal to the annual sum of 2,10,000 rupees, &c., or Canteria pagodas 70,000, over and above, and exclusive of a (Serinjam) jaghire which the said Nabob has also agreed to assign, &c. &c."

In what way a jaghire for the support not only of Kummeroodeen, but of his family and relations, can be termed a "life grant," your memorialist is at a loss to understand.

10. Neither is his Lordship left to conjecture as to Lord Wellesley's conception of the future results of the arrangement he was making in respect to the parties to the Treaty on the one hand, and the recipients of their bounty on the other hand. In a letter to the Resident at Hydrabad, written when the Nizam was showing some hesitation in agreeing to the Treaty, Lord Wellesley wrote, "It may be observed, on the part of the Nizam, that under the power reserved to the Company in the 6th article, the Company may derive a greater benefit from its share of territory than that which now appears upon the face of the Treaty, because the Company, having reserved in certain contingencies the power of diminishing the allowance of the deposed family, is not to be accountable to the Nizam for any such contingent advantage; on the other hand, it is apparent that the Nizam will be entitled to similar advantages with regard to the jaghire of Kummeroodeen Khan, which his Highness, under his right of sovereignty over Kummeroodeen, will at any time possess the power of limiting or suspending, although no such power is expressly reserved in the Treaty."

Your Lordship's attention is requested to the following further extracts on the same subject, from Lord Wellesley's letter to the Resident at Hydrabad of 30th June 1799: "Meer Allum (on the part of the Nizam) having objected to the operation of the 6th article of the Treaty, I offered, on the part of the Company, to render annually to the Nizam an account of the expense of maintaining the deposed family, and to divide equally with his Highness any contingent saving within the sum stipulated by the Treaty for their annual maintenance, provided his Highness would consent to pay half of any eventual excess beyond the stipulated sum. Meer Allum declined this equitable proposal, and agreed to the articles in their present form."

His Lordship's belief is here clearly expressed, that the whole of the stipulated sum would be required for the suitable maintenance of the families; he even intimated to the Resident, as an argument to be urged on the Nizam, "that a contingent increase in the expense of maintaining the deposed family was by no means improbable;" all of which, your memorialist submits, is incompatible with the supposition that the provision was intended only for the "persons then in existence;" unless, indeed, it were possible to believe that there was any mental reservation in the mind of the Governor General when he laid down the principle of the Treaty, to suppose which would be to accuse that high-minded nobleman of practising a deception upon his ally the Nizam by a pretended liberality to the deposed family, and of acquiring under this pretext a larger share of territory for the Company than he could openly obtain, a supposition which it is impossible for one moment to entertain. The views of Lord Minto, too, on this point are clearly ascertained in the following extracts from his Minute of October 1807. Arguing in favour of settling fixed allowances on heads of families, Lord Minto observes: "The frequent alteration which must have been made in the allowances to be allotted to each family on the former principle, so as to meet the varying circumstances of increase or diminution of its numbers, marriages, births, funerals, and other domestic occurrences, is an inconvenience from which the new plan is entirely exempted."

"It cannot but be felt that the bare statement of the proposition to retain 12 families composed at present of upwards of 300 persons, and subject to the natural growth of all societies, especially when favoured by polygamy, and an unlimited number of females, to retain, I say, a multitude, in the condition, and to provide for them on the footing of State prisoners, must be an undertaking of such difficulty, complexity, and embarrassment, as to become in the end impracticable."

"The whole of those embarrassments are removed by the plan I have now the honour to recommend."

Your Lordship in Council will at once perceive that the obligation of providing for the whole of the families, so far as the provision set apart by the Treaty for that purpose might afford the means, is never once questioned. How to apportion the allowances was the embarrassment, and Lord Minto thought that by his new plan, "Government, as well as the gentlemen more immediately employed, will be relieved from the constant and vexatious discontents, jealousies, complaints, and discussions which the former system was calculated to produce, and of which there has already in this short period been such ample experience."

Your memoralist entreats your Lordship in Council to peruse with care the whole of Lord Minto's Minute, which has always been considered by his family, as also by the Court of Directors, and the authorities in Calcutta, as the basis of all arrangements for the benefit of the families. Not one word is to be found in it to the effect that the rights of the family under the Treaty had been forfeited, or that such rights did not extend to heirs, or that, in restricting the pensions to the life of the recipient, it was with a view to the appropriation of any part of it at his death as a lapse for the benefit of the State.

11. That both parties to the Treaty understood at the time that they were both making such provision for families as would be reduced from time to time, is proved by the first of the separate articles agreed to by both parties under date the 22d of June 1799:—

"With a view to the prevention of future altercation, it is agreed between His Highness Nabob Nizam ud Dowlah Asoph Jah Bahadur, and the Honourable East India Company Bahadur, that to whatever amount the stipends appropriated to the maintenance of the sons, relations, and dependants of the late Hyder Alee and Tippoo Sultan, or the personal jaghire of Kummeroodeen Khan, shall hereafter be diminished in consequence of any one of the stipulations of the Treaty of Mysore, the contracting parties shall not be accountable to each other on this head."

Your memorialist begs respectfully to point out that this conclusion of the late Governor General is at variance with that which must be drawn from the words used by Lord Wellesley in his instructions to the Resident at Hydrabad for his guidance in discussing the Treaty with his Highness the Nizam, viz., "That a contingent increase in the expense of maintaining the family was by no means improbable." The stipends might no doubt be diminished in consequence of any one of the stipulations of the Treaty, "but the real object of the separate article was a political one, which is thus stated in the memorandum of explanation which accompanied the Treaty:

"Separate Articles."

"Article 1st.

"This article was inserted with a view to exclude the Nizam from any interference in the affairs of the families of Hyder Ali Khan and Tippoo Sultan; its operation is reciprocal, as it renounces the Company's right of interference between Nizam Ali and Kummeroodeen Khan."

12. The general question, viz., whether anything in the nature of a claim on the part of the Mysore family in common,

As head of the families for which the provision was specially made under the Partition Treaty, your memorialist has

mon, or of any member of it, to the whole balance of the annual sum of seven lacs of rupees, or to any portion of it, has been already definitively, and after a review of judgment, determined in the negative by the Honourable the Court of Directors; and after giving the case his most careful and deliberate consideration, his Lordship feels it incumbent on him, for the reasons above enumerated, to decline to refer the question a third time to the Home Government. Neither can his Lordship see any ground for a grant of five or six lacs of rupees of public money to individuals of your family who may be in want of money, because they have outrun their income. His Lordship in Council will, however, represent to the Honourable Court, that of all those individuals whom Lord Wellesley promised to provide for, your Highness alone remains alive; and if on the grounds of your high character, and of your being now the single head of the whole family, as well as of the praiseworthy example you have uniformly set to all your countrymen, and especially to princes and chiefs in positions similar to your own, the Honourable Court should be pleased to add something to your own life stipend, such an additional proof of its kindness and generosity would be gratifying to all who know you, and to none more than his Lordship.

I have, &c.
(signed) *G. F. Edmonstone,*
Secretary to the Government of India,
with the Governor General.

Ootoocamund, 31 July 1855.

has considered it to be a duty incumbent upon him in behalf of all those interested, again to endeavour to establish their just rights before your Lordship in Council; notwithstanding that on previous occasions he may have failed to convince the Governor General or the late Court of Directors of the justice of his claims, more especially as he was not aware of many of the reasons operating to the prejudice of those claims in the minds of the Governor General in Council, until he became acquainted with them through Mr. Secretary Edmonstone's letter, and which it has now been his object to refute.

Your Lordship in Council cannot fail to perceive how much the views of the Supreme Government of 1855 are at variance with those of the Governor General of 1799, as shown in the correspondence of Lord Wellesley and his illustrious brother. That correspondence your memorialist respectfully submits has established,—

1st. That the true intention of the Treaty was to make a permanent provision for the whole of the families of Hyder Alli and Tippoo Sultan, as long as there were any individuals living to claim a "suitable maintenance;" and that the limitation of the provision "to the individuals of the families then in existence" (as argued by Lord Dalhousie), is nowhere to be traced in Lord Wellesley's recorded sentiments, and is opposed to the whole tenor of his noble conduct to the family of the deposed sovereign.

2d. That neither by the mutiny at Vellore, nor by any other occurrence, have the rights of the family under the Treaty been forfeited, or the benefits of its provisions been limited in the smallest degree.

The claim of right thus established is confined to what Government may deem a "suitable maintenance," and is not such as will entitle any individual of the family to ask an allowance that can be dealt with as a property susceptible of alienation, by sale or mortgage, or to pass by specific law of inheritance. Up to this day, though the full annual amount has not been appropriated, yet the manner in which the accounts of the reserved portion of the revenues (viz., two lacs of star pagodas per annum) acquired under the Partition Treaty of 1799 have been kept, shows distinctly that it was regarded as an assignment for a specific purpose, viz., to be expended at the discretion of Government in providing a "suitable maintenance" for all the members of the Mysore family.

But your memorialist humbly submits that on the part of the Government of Calcutta, impressions at different times prevailed which led to very narrow provision being made for various

members of the family; and upon the decease of near descendants of Hyder Ali and Tippoo Sultan, who had for life enjoyed liberal provision, their families were left in such pecuniary distress, that the incurring of debt was unavoidable.

The Honourable Court of Directors, by their Despatch of July 1855, fixing an uniform allowance for the descendants of the former sovereigns, according to the nearness of blood, without reference to any specific apportionment of their father's allowances, appear fully to have recognised the justice of this principle; and your memorialist gratefully acknowledges the benefit which has resulted to all the junior members of the family from this measure. But your memorialist further submits, that the same spirit of liberality should be extended for the relief of those unfortunate individuals who, until that liberal provision was made, had been left in the distressed circumstances to which he has above referred; and that with reference to the large accumulations which have taken place, from the practice of diminishing stipends on the occasion of each death, provision should be made out of that accumulation, as well for the payment of necessarily incurred debts, as for the erection or repairs of suitable buildings for their places of residence. Government has frequently in its correspondence on the subject alluded to the "Mysore Deposit Fund," as being the source from which all expenses of the family were to be defrayed. Thus, in Mr. Secretary Adam's letter to Colonel Hawkins, the Superintendent, dated 8th January 1813, extract, para. 2, the expression is used, "and authorises you to transfer the amount in question to the debit of the Mysore princes in the general account with Government." See also Mr. Secretary Beadon's letter to the Council of Education, dated 16th January 1854, extract of which is as follows: "His Honour will be prepared to recommend an expenditure" (to provide means of instruction for members of the family) "out of the savings from the fund originally designed for the support of the family;" and although your memorialist is unable to state the present amount of that fund, having observed that for the last three years the Indian accounts submitted annually to Parliament have not contained the item under the same head as heretofore, yet there can be no doubt that the amount is ample; your memorialist therefore again respectfully submits, that out of it the sum of six lacs of rupees should be appropriated for the purposes above-mentioned; the apportionment to be made by the Superintendent, under your memorialist's advice, assisted by any committee of the family that the Governor General in his wisdom may be pleased to appoint. The remainder of this deposit fund your memorialist would desire should remain in the care of Her Majesty's Government for the future wants of the family.

Your memorialist, and the other members of the families of the late Hyder Ali Khan and Tippoo Sultan, feel pride in acknowledging themselves to be the grateful, loyal, and faithful subjects of Her Most Gracious Majesty Queen Victoria, on whom, together with the Prince Consort and their Royal children, and on Her extensive dominions, may the Almighty God shower down blessings innumerable.

They tender their grateful thanks for Her gracious proclamation to the native princes of India, "That all treaties and engagements made with them, by or under the authority of the East India Company, are by us accepted, and we look for the like observance on their part;" and "We shall respect the rights, dignity, and honour of native princes as our own."

Your memorialist believes implicitly this most gracious promise.

He has ever experienced from his sovereign a reception suited to the rank in which he was born, which has been most soothing to his feelings and gratifying to his pride; and he confidently relies

relies that he will receive from your Lordship in Council a like generous treatment.

He therefore prays that your Lordship will be pleased to take the matters set forth in this memorial into your mature and favourable consideration, and direct that in future annuities may be distributed among members of the family with a liberal reference to the amount of annual revenue appropriated to the purpose by the Treaty of Mysore, so as to give to them all a "suitable maintenance," the descendants of Hyder Ali Khan being treated as equal with the family of Tippoo Sultan, and that the sum of six lacs of rupees should be immediately appropriated out of the "Mysore Deposit Fund," for the purposes hereinbefore set forth.

And your memorialist and the other members of the innocent Mysore family, who have been loyal and dutiful for the 60 years they have been subjects of the British Government, of which they are truly proud, will always pray for the permanence and prosperity of Her most gracious Majesty Queen Victoria's reign, over all her extensive dominions.

Oriental Hotel, *Gholam Mohumed.*
Vere-street, 16 May 1859.

To the Right Honourable Lord *Stanley*, Her Majesty's Secretary of State for India in Council.

My Lord,

Dated 13 February 1855.

When I was last in England I had a memorial prepared on behalf of myself and the members of the family of my grandfather, Hyder Ali Khan, and my father Tippoo Sultan, in which was set forth at some length our claims under the Partition Treaty of Mysore, and Lord Minto's Resolution of the 19th October 1807; and being very desirous to return to India with as little delay as possible, I forwarded my memorial to the late Court of Directors of the East India Company, with a letter dated the 13th February 1855, in which I preferred a request that a sum of six lacs of rupees might be granted out of the accumulations of the Mysore Fund, for the payment of debts which had been incurred by members of the family, and for the repairs of our residences; and I suggested the sums of 600 rupees and 200 rupees per mensem as the lowest which would be adequate for the decent maintenance of each of the grandsons and great grandsons of the late Tippoo Sultan.

I received an answer to my memorial and letter from Secretary Sir James Cosmo Melvill, dated the 29th June 1855, in which it was stated that "the Court feel bound to record their adherence to the promises and principles of Lord Minto's Minute of the 16th October 1807, as well as to the proposed gradual extinction of their position of dependence;" and that "the Government of India will be instructed to deal as liberally with the members of your family as may appear strictly consistent with this view."

I then returned to Calcutta, where I arrived in the end of August 1855, but it was not till the month of April 1857 that I received, through Major Bowie, the Superintendent to the Mysore princes, a copy of certain resolutions which had been passed by the Government of India for the purpose, as I presume, of giving effect to the Court's instructions referred to in the last part of the above extract from Sir J. C. Melvill's letter. Being requested by Major Bowie to assemble the members of the family "for the purpose of explaining to them the great boon that had been conferred on them," I accordingly did so, and told them "of the numerous kindnesses they were about to experience;" and then, in a letter addressed on the 16th of May following, to the Right Honourable the Governor General, I formally tendered their and my own thanks for the favours conferred on them. At this time I had no opportunity of examining the resolutions very closely, and comparing them with the hopes held out to me in Sir J. C. Melvill's letter. The mutiny followed, and I could not at such a time, with any propriety, trouble the Government with the private affairs of my family. But when it was entirely suppressed, I then felt myself at liberty to bring them forward, and placed in the hands of Major Bowie a memorial, which he refused to forward. I have thus been obliged again to undertake the long

voyage to this country for the purpose of laying my case before Her Majesty's Government.

The suggestion contained in my letter of the 13th February 1855 consisted of two parts. The one was of certain sums, as minimum allowances for the grandsons and great grandsons of Tippoo Sultan; the other was, that a grant of six lacs of rupees should be made for the payment of debts and repairs of residences. The Government of India has adopted the former part of my suggestion, but has taken no notice of the latter. The very small additions made to previous allowances have thus been rendered of no effect, and such of the members of the family as were in debt have been left in the same helpless state of embarrassment as before; nay, their condition is in some respects worse: for, besides accumulations of interest, their creditors, now seeing no prospect of payment, have begun to press them more urgently, and an attempt was lately made to attach the stipend of one of the members of the family under the process of the Supreme Court. It is true, that the Advocate General has given his opinion that interests of this nature cannot lawfully be seized under the process of any court; but his opinion may be disregarded by the Mofussil Courts, who, I am informed, are not bound by any law in matters of this kind; and at all events, though it may be held that the stipends cannot be attached, this will afford no security to the person; and the members of my family who have been so unfortunate as to get into debt, may be kept in prison under the process of any court until their debts are paid in full. Even supposing that the Government had accepted the other part of my suggestion, and made the desired grant for payment of debts and repairs of residences, that would not now be sufficient without an increase of monthly allowances. There is no doubt of the fact, however it may be accounted for, that a very great rise has taken place in the expense of living generally throughout the British territories, but more particularly at Calcutta, within the last three years. The price of many of the ordinary articles of food has more than doubled. Fowls, which form an important part of the consumption of Mussulmen families, and were usually to be had from six to eight for a rupee, are now a rupee the couple; and the inferior kinds of rice, which used to be sold at a rupee the maund, cannot now be had under three rupees eight annas for the same quantity. This being the principal article of food among the lower classes, the wages of servants have in consequence nearly doubled. The allowances, therefore, which I suggested in 1855 as barely sufficient for a decent maintenance, have now in 1859 become utterly inadequate.

I will now compare "the promises and principles of Lord Minto's Minute," to which the late Court professed their determination to adhere, with the Resolutions of the Government of India, under date the 17th April 1857. After referring to "the tender and liberal treatment which the conquered family had in reality experienced" up to the events of Vellore, his Lordship was pleased to observe, notwithstanding those events, "It still becomes us to show as much generosity to the families as is consistent with public security." This was the promise; and the principle by which he proposed to give it effect, was to settle a "fixed allowance on each of the princes," which was "to be considered their estate." His Lordship does not seem to have directly prepared any measure for "the gradual extinction of their position of dependence;" but that was implied in the allotment of separate stipends, which were permanent provisions for each of the sons, &c., of the respective families they might have, and were always treated as such until the Court's Despatch, No. 8, of 1841. In that Despatch it was stated, while allowing some slight modifications of Lord Minto's system, that the Court was of opinion that "the system which they" (that is, the modifications) "introduce should be considered as entirely superseding the previous system of hereditary succession to stipends, and that you ought not in future to consider the whole of the father's allowances as necessary to be divided among his children." These orders were understood by the Government of India as requiring that upon each death some part of the stipend should be saved for the financial benefit of the State; and it was chiefly to obviate the consequences of this departure from the principle of Lord Minto's Minute, and to arrest, if possible, the downward progress of my family, that I was induced to make my first voyage to this country; and I deemed that my object had been fully secured by the frank and honest assurance conveyed to me in Sir J. C. Melvill's letter. I am, therefore, the more disappointed in now finding, on a more careful examination of the Resolutions of the Indian Government, what appears to me to be a

return

return to the principle of the Court's Despatch of 1841, that is, a total abandonment of the system of hereditary succession; while there is nothing in them that can be construed as having the slightest reference to the gradual extinction of the position of dependence of the members of the family. Thus, in the second and third resolutions, where provision is made for stipends of 600 rupees and 261 rupees to the grandsons and grand-daughters of the late Tippoo Sultan respectively, it is distinctly stated that these shall lapse on their death. So also, by the 7th and 8th Resolutions, the stipends of 200 rupees and 100 rupees for the great grandsons and great grand-daughters of the late Sultan, are only to be for his or her lifetime. And as if to guard against any possible increase of their number, care is taken by the 4th Resolution, to limit these provisions to the sons and daughters (now living, and not being sons and daughters of khawasses), and there is absolutely no provision whatever for any person now unborn. It is true that half the pension of Prince Hyder Sheksh (one of the great grandsons of Tippoo Sultaun), who died in the end of last year, has been granted to his children, being a son and a daughter, in the proportion of *Rs.* 66. 10. 8. to the former, and *Rs.* 33. 5. 4. to the latter. But it has been distinctly intimated, that these provisions are "only life pensions, and granted on special grounds;" so that, whether I view the resolutions by themselves, or take them in connexion with this practical application, I see great reason to apprehend that it is the intention of the Government of India, either that the legal provision made by the Mysore Treaty for the "suitable maintenance" of the conquered family of Hyder Alli Khan and Tippoo Sultaun, shall entirely cease with the lives of persons now in existence; or, that if continued to the descendants of any of them, it will be with such a reduction at each succeeding generation, as must soon bring them down to the lowest position in the social scale, until they can be safely dispersed among the common herd of mankind. To my mind, my Lord, the last part of this alternative is worse than the first, and I believe it would be so considered by my countrymen generally, whether Mussulmans or Hindoos, to whom family honour is dearer than life. But I am afraid that this is a principle which will never be sufficiently appreciated by the people of this country, though to a neglect of it in their treatment of the natives of India, recent disastrous events in that country, may, in my humble apprehension, in some degree, though perhaps remotely, be ascribed.

I am confirmed in the desponding view that I take of the future destinies of my unfortunate family, by two other recent occurrences in their history. One of these is, that while Her Majesty is most graciously pleased to style my son a prince, inviting him to Her Court, and treating him while there as such, the Government of India have for some time been in the practice of using the word "Sahibzadah," when referring to him and the other grandsons of Tippoo Sultaun. This term means literally the son of a gentleman, and when applied to my son, is as derogatory to me as to him; but though I have brought the matter to the notice of Government through Major Bowie, I have as yet received no assurance that the obnoxious style will be abandoned, and the princes, my sons and nephews, be addressed or referred to by their proper titles.

The other circumstance referred to is the recent suppression of all mention of the Mysore Fund in the Returns annually made to Parliament, the revenues of the territories which were set apart by the Partition Treaty for the "suitable maintenance" of the family of Hyder Alli Khan and Tippoo Sultaun, and which but for them, must, according to the principle of that treaty, have been shared with the Nizam, had, up to a recent period, been carried to a separate account, which was debited with all disbursements for the family and their dependents, and the balance was carried on from year to year, and appeared in the accounts rendered annually to Parliament under the head of the Mysore Fund.* It was thus clearly indicated that the amount at the credit of that fund was not to be taken into the yearly estimate of the ways and means of the Indian Government, but was to be kept sacred for the purposes for which the revenues from whence it was derived had been originally set apart, and could not be honestly intermeddled

25th June 1857, for the year 1855-56.

* Regarding the Mysore Deposit Fund, it is often referred to in Vol. 1 of the Supplementary Despatches and Memoranda of Field Marshal the Duke of Wellington, as under:—
His Letter to the Earl of Mornington, dated 8th May, 1799, page 214.
His Letter to the Secretary of Government Fort St. George, dated 16th December 1799, page 415.
His Letters to Lieut.-Col. Doveton, dated 10th and 19th January 1800, pages 428 and 441.

meddled with, except on the condition of refund, if these purposes should ever require it. I have accordingly always regarded the annual appearance of the Mysore Fund in the Parliamentary Returns, ever swelling as it did from year to year, as an acknowledgment of the rights of my family, and their great safeguard, by placing them under the supervision and protection of Parliament itself, and of public opinion in this country. My consternation is now the greater, at its sudden disappearance from the public accounts, and connecting this with the resolutions of the Government of India, I cannot help regarding both as indicative of a settled determination on the part of the Home authorities, as well as those abroad, to repudiate the trust voluntarily assumed under the Partition Treaty, and either to cast off the family altogether on the death of the last survivor of those now in existence, or to reduce their descendants to the condition of mere eleemosynary dependents on the bounty of the State.

The suppression of the Mysore Fund from the Parliamentary Returns must, I fear, be regarded as the act of the Home authorities, or at any rate as sanctioned by them, and the resolutions of the Indian Government on the subject of stipends, must also have had their sanction, for they are headed by references to Despatches to and from the late Court of Directors. There is no remedy, therefore, except with your Lordship in Council, and I trust that I shall not be met by the old objection, that my application must pass through the regular channels; that is, should first be presented to the Viceroy and Governor General in Council. The only regular access for me, or the members of my family, to that body, is through the Superintendent of the Mysore Princes, and he has refused to forward my applications, or to be a party in opening a matter which he has erroneously considered to be already settled.

Before concluding, I beg leave to refer to a passage in Her Majesty's most gracious Proclamation on assuming the Government of the British territories in India, because I confess it has greatly raised the hopes of the members of the family, and also because it is in some degree susceptible of being perverted to their disadvantage. The passage is as follows: "We hereby announce to the native Princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company, are by Us accepted, and will be scrupulously maintained, and we look for the like observance on their part." Now it has been said by an authority no less than that of the late Governor General in Mr. Secretary Edmonstone's letter to me of the 31st July 1855, a copy of which was doubtless transmitted to the Home authorities, and may have some influence on your Lordship's mind "that the treaty relied upon" by me, that is, the Partition Treaty of Mysore "was not made with the family of Tippoo Sultaun, or with any one on the part of that family." And it may possibly now be argued that the treaty in question is not one of those engagements that Her Majesty has graciously declared it to be her intention scrupulously to maintain. But I am informed that this is an objection which applies more to the legal remedy, than to the moral obligation of such engagements, and that in fact some of the most important engagements of every day life, are liable to the same kind of objection. I allude to what are called trusts, particulary those for the benefit of the weak and the unborn; they cannot be enforced in what are called the courts of common law, but for that very reason there is a remedy for them in Her Majesty's High Court of Chancery.

But I am under no apprehension that this objection can have any weight with your Lordship, as it applies only to the form and not to the substance of the obligation; and by another passage in the same proclamation, Her Majesty has solemnly declared, "We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and these obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil."

I will not trouble your Lordship further. I refer you for details to my former memorial to the late Court of Directors, dated the 13th February 1855, and also to that dated 16th May 1859, addressed to your Lordship, which latter I have had prepared chiefly by way of answer to Mr. Secretary Edmonstone's letter of the 31st July 1855.

I conclude with earnestly begging your Lordship's favourable consideration of the following requests which I prefer, more on behalf of the other members than myself, of the conquered family of Hyder Alli Khan and Tippoo Sultaun. I have nothing to ask on my own account, having always met with kindness and considera-

tion

tion from the authorities, abroad and at home, for which, as it becomes me, I shall ever feel grateful.

First, I have to request that a grant of six lacs of rupees may be made from the accumulations of the Mysore Fund, for the payment of debts, and repairs of residences. The debts were incurred in consequence of the insufficiency of allowances previously to 26th October 1855, and have since greatly increased by accumulations of interest at rates seldom below 24 per cent. per annum, so much so, that the sum for which I have then asked, will not, I fear, suffice for their liquidation now.

Second. That the allowances recently made to the grandchildren and great grandchildren of the late Tippoo Sultaun be further raised, in proportion to the rise in the price of provisions generally. In almost every article this has more than doubled, and I would suggest 400 rupees and 300 rupees per mensem as the lowest additions to the allowances of grandsons and great grandsons that would be required on that account, with half for females. My cousin, Golam Alee, about 64 years old, grandson of Hyder Allee Khan, who receives 1,000 rupees per mensem, I solicit may have an addition to his stipend of 500 rupees, for the same reasons above mentioned. His stipend will even then be on a lower scale than his late cousins, the sons of the Sultaun. Previous to my memorial, dated 13th February 1855, being presented, the great grandsons of Hyder Alli Khan, or grandsons of Tippoo Sultaun, were receiving all various stipends, some getting as low as 132 rupees per mensem. Noorulhuck, great grandson of Hyder Alli Khan, and grand nephew of the Sultaun, was receiving 250 rupees, he being then, in a comparative sense, in better circumstances than the grandsons of the late Sultaun. I am sorry to say that Noorulhuck still receives but 250 rupees, which is not a "suitable maintenance;" and my desire is, that all the great grandsons of Hyder Alli Khan, whether through his son, Kurreem Shah, or his son, Tippoo Sultaun, be treated alike.

Third. That the resolutions of the Government of India, under date the 17th April 1857, be amended, and made strictly conformable with Lord Minto's Minute and Sir J. Melvill's letter, which being an express engagement to deal liberally with the family in perpetuity, is within the letter as well as the spirit of Her Majesty's most gracious proclamation, and in particular, that means may be adopted to provide for the gradual extinction of the position of dependency of the family, so far as may not be inconsistent with their claims to a suitable provision from a fund of which the Government is of necessity the trustee. This I consider of great importance. The words in the Mysore Treaty are a "suitable maintenance," which gives some discretion to the Government for the time. But I contend that the discretion ought not to be exercised for its own financial benefit, as has been done, by lowering the condition of the persons for whom the suitable maintenance is to be provided. In this country the rank of a father descends upon the eldest son alone; with us it descends upon all, but there is no doubt that in both cases it descends wholly, without diminution. The resolutions of the Government of India appear to me, therefore, to be opposed to the practice of that country and of this.

Lastly, I have to request that the account of the Mysore Fund be made up, and the amount at credit be published from year to year in the returns of Indian revenue rendered to Parliament.

I have, &c.
(signed) *Gholam Mohumed.*

15, Connaught Square, Hyde Park,
1 June 1859.

[*Note.*—The memorial of Prince Gholam Mahomed was submitted to the consideration of a special committee of the Council of India, in accordance with whose recommendation a proposal was made to the memorialist, the nature and result of which are shown in the following memorandum.]

MEMORANDUM submitted by Prince Gholam Mahomed and Prince Feroze Shah.

HAVING considered carefully the scheme proposed by the committee of the Council, as explained to us by Mr. Kaye, we will state briefly what has occurred to us on the several points, adding a few observations, in order to place the entire case of the Mysore family before the committee.

Proposition 1. The stipends of 600 rupees per mensem, now enjoyed by the princes standing in the relation of grandsons to Tippoo Sultan, to be continued to them as life stipends.

From this we conclude that we are to understand that the stipends will revert, as heretofore, to Government, upon the decease of each of the individuals now enjoying them. It has always been the custom of the Government on every occasion of such decease to have a report made of the circumstances of the family left, and if the widow and dependents, or any of those who were maintained by the deceased were likely to be left destitute, some provision out of the stipend used to be made in their behalf. It is hoped that the Government will not withhold its favour and consideration from such persons in consequence of the independent provision proposed to be secured for the family, which may be inherited by persons not disposed to treat them with the affection and kindness which is their due. Having the assurance that a report on the case of these persons will still be received, and favourably considered at the time of the lapse of each, we cannot object to the stipends being treated as heretofore.

2. A sum to be capitalised and invested in Government Five per Cent. Promissory Notes, of an amount that will yield 400 rupees per mensem. Each of the grandsons, now receiving 600 rupees per mensem, to have this amount of capital stock placed at his disposal, for the benefit of himself and his family, and to receive it in acquittance of all claims and demands on their part.

In my memorial, I asked for an increase of stipends to the grandsons of Tippoo Sultaun of 400 rupees per month, because of the rise in price of provisions in India, but I had no idea that it was the wish of Government that the family's claim to the Mysore Deposit Fund as to stipends was to be set aside for ever. By Mr. Kaye's suggestion it appears so, therefore we, on careful consideration of so disposing of the family's claims, solicit that the sum to be capitalized should be sufficient to bring each grandson 600 rupees per month, it certainly behoving us to act as we think best for the family's interest. By existing arrangements, sons of grandsons will be entitled, on the death of their fathers, to 200 rupees per mensem, being a third of the father's pension, and daughters to half as much. According to the proposed scale, 400 rupees a month would not provide for more than two sons, or one son and two daughters, which can hardly be considered a full average. Besides, it makes no allowance for the rise in price of provisions being permanent, as seems but too probable at present, for it is not confined to Calcutta and its neighbourhood, but has extended over the country. Taking all these matters into consideration, it appears to us that 600 rupees per mensem is the lowest sum that should be capitalised for the purpose of securing even a moderate degree of independence for the children of the grandsons. It also occurs to us as requiring to be urged, that if the future provision for the family is to be capitalised and placed in the form of Government promissory notes of existing loans, it ought to be capitalised in Four per Cent. Stock instead of Five per Cent., because the loans of the Indian Government are liable to be paid off and transferred into stock at a lower rate of interest, from which contingency the family ought in justice to be secured. Their receipt and the payments of Government would be the same whether the stock was at four or at five per cent. interest, therefore, being intended for permanence, we would submit the expediency of this change. We would also, on behalf

behalf of the grandsons, ask how their debts are to be paid and their houses repaired without trenching on the provision thus proposed to be made for the permanent benefit of the future generation, if my request for six lacs of rupees is not complied with.

3. Such of the grandsons now living as have no family, to receive only the addition of 400 rupees per mensem to their stipends for life.

We would submit, on this point, that if the capitalised sum is given to each of the grandsons as a fair and proper means of independence, and without reference to the number of individuals in the family, that will require to be provided for hereafter, the Government ought not to withhold the same boon from those who, from accidental circumstances, have no family. It is through inheritance one from the other, and through the succour given in the cases of intermarriage, &c., that we hope those now embarrassed by the expenses of families, &c. will be replaced, under the scheme of the committee, in the position of "suitable maintenance" which it must be the desire of the Government and of all parties to see them always enjoy. We would submit, therefore, that the exception now suggested should be abandoned, and that all the grandsons of Tippoo Sultaun shall be treated alike, and receive the same provision.

4. Though not included in the written memorandum given to us by Mr. Kaye, he also intimated that it was proposed to capitalise in the same manner the stipends now received by the great grandsons whose fathers are no longer living, and who therefore are in the position of heads of their respective families. The same reasons we mention as regards the grandsons also bear upon the case of the great grandsons, therefore we most respectfully ask that a sufficient sum be capitalised, so that each of the said great grandsons may receive 300 rupees per mensem. Some of them are of an age scarcely fit to be trusted with the full power over the fund intended as a permanent provision for them. We would submit that it be a rule in the family that no one coming into possession of the capitalised stock so proposed to be created and distributed, shall have the power of alienating it until he reaches the age of 21. Up to that age he will possess the income it may yield, but change of the investment ought not to be made by the possessor before 21, without the sanction of a committee of five senior members of the family.

5. The scheme proposed contains no provision for the grand-daughters of Tippoo Sultaun, who now receive stipends of 261 rupees, nor the fatherless great grand-daughters, 10 in number, each receiving 100 rupees, which, at the decease of each incumbent, revert to Government. We do not ask for the capitalization of those stipends, for these ladies are not able to manage independent funds, as the male members of the family are. But we would urge that some proper addition should be made to their stipends on account of the increased expenses of living; and as the whole will revert to Government at their deaths (and the age of the first-mentioned incumbents leads to no expectation that the reversion will be long delayed), the means they will yield may be applied in some way to provide dowers to daughters of the family, and to promote their settlement in marriage, and in suitable alliances. This is a point referred to in the Minute of Lord Minto, and we trust it will not wholly be lost sight of in the arrangements proposed to be made for the permanent benefit of the family. It will, also, deserve consideration, that some of these ladies will have been married to husbands who have no separate provision from the fund, and their children may be left quite destitute, unless the Government act as heretofore on each decease, and consider the claims of children and dependents upon the reverting stipend. As an instance in point, we would here mention the case of the widow of the late Shahzada Rusheedoodeen, who is herself a grand-daughter of Tippoo Sultaun.

This lady has become embarrassed, from having had to bear the marriage expenses and assist in providing for two daughters, left by her husband, no aid for that purpose having been given by the Government at the time. We would submit that her case deserves favourable consideration.

6. We take the liberty again to urge, that the propositions made to us contain no provision for the family of Tippoo Sultaun's brother, Kurreem Shah, whose descendants we consider to possess equal claims on the British Government with our own. It would give the whole family much satisfaction if the cases of Nawab Gholam Alli and children, son of Kurreem Shah, and grandson of Hyder Alli Khan, who receives 1,000 rupees per mensem, and Noorulhuck, the fatherless grandson of Kurreem Shah, and great grandson of Hyder Alli Khan, who receives 250 rupees per mensem, could receive favourable consideration, at the same time with other grandsons and great grandsons of Hyder Alli Khan. We do not feel justified in making any specific suggestions on their behalf, but would submit that the settlement of the claims of the family cannot be regarded as final, unless they are admitted to participation in the benefits to be conferred. The treaty of 1799 uses these words, "deduct provision for the families of Hyder Alli Khan and Tippoo Sultaun."

7. We would, also, as a personal favour, request that some special consideration shall be given to the distressed situation of Hanjeerah Begum, a grand-daughter of Tippoo Sultaun by a daughter. This lady is very highly esteemed by all the members of the family, and she is suffering from having taken upon herself her mother's debts, incurred during the time when the stipend, to which she was entitled under the Minute of Lord Minto, was withheld, by reason of her supposed nonage. There can be no doubt that it was given in her case too late, that is, some years after her claim was mentioned, and she always lived in expectation of receiving the arrears; but they were withheld to the date of her decease, and the daughter has succeeded to the debts and to the claim, but the Government of India has refused to entertain the claim on the ground, apparently, of its being of so old standing. On behalf of the family, we venture to urge that nothing could be more gratifying to them than to hear that her condition had been considered with favour.

8. This being a final settlement as to stipends, I consider it my duty to have adjusted the cases of the fatherless Sahibzadah Roshun Auctar, grandson of the late Prince Yasseen, and Sahibzadah Shumsoodeen and sister, fatherless grandchildren of the late Prince Soobhan, all great grandchildren of the late Sultaun. For these individuals, I memorialized the Honourable Court on the 17th October 1857. If we did not imagine their rights were equal to the other great grandchildren, we would not trouble the committee.

9. Mr. Kaye said nothing in the conversation we had with him on the subject of our request, that the title of Shahzadah might be continued to members of the family of Tippoo Sultaun. We trust the committee will not pass over this part of our memorial. Titles and honours in England depend, of course, on the personal will of the Sovereign. We hope She will not withhold from the grandsons of Tippoo Sultaun, who are now each of them heads of families, this honourable distinction. We acknowledge, most gratefully, the marks of favour with which we have personally been treated by Her Majesty, and by everybody in this country; but it is not less our duty to urge the claims of those members of the family who have not had the advantage of presenting themselves to the authorities here, but have the same claims of relationship with the former sovereigns of Mysore that we ourselves possess.

10. We beg leave to call the attention of the committee to a matter which, though small in itself, is productive of a nnoyance to a family

a family living, as we do, in great privacy and comparative seclusion from the world, and many of the family being females; we allude to the chowkeedarie tax, and other charges to which we have been lately subjected. But our condition is very peculiar, being that of stipendiaries under the special guardianship of the State, and living in a separate community of our own. The scheme proposed by the committee will, in the course of a little time, put an end to this state of things; but so long as it lasts, we submit that we are not properly the subjects of municipal or other taxation, and that, as we have always, until recently, been kindly exempted from every kind of taxation, we should continue to be so, so long as it is the pleasure of Government to require us to reside in any special locality.

11. If these suggestions are acceded to, the scheme devised by the committee will be gratefully accepted by all the members of the family, in full acquittance of all their claims to stipends from Her Majesty's Government, though, we distinctly beg to state, our wish that these arrangements are not to affect in any way the allowances now granted for fatihas and other religious ceremonies, lighting, repairing, and keeping the tombs and graves in good order, medical and school expenses, &c., all of which are to be carried out as heretofore.

(signed) *Gholam Mohumed.*
Feroze Shah.

15, Connaught-square,
16 November 1859.

FURTHER MEMORANDUM submitted by Prince Gholam Mahomed.

THE estimated value of districts assigned to the East India Company and the Nizam, is thus stated in the 1st and 2d Articles of the Mysore Treaty of 1799:

Districts enumerated in Schedule (A).		Districts enumerated in Schedule (B).	
	Rs.		*Rs.*
Canteria pagodas - - -	7,77,000	Canteria pagodas - - -	6,07,332
Deduct provision for the families of Hyder Alli Khan and Tippoo Sultan two lacs of star pagodas, Canteria pagodas - - -	2,40,000	Deduct personal jaghire to Kummeroodeen Bahadur, 2,10,000 rupees, or Canteria pagodas -	70,000
Remains for the Company *Rs.*	5,37,000	Remains to the Nizam - *Rs.*	5,37,332

Accordingly two lacs of star pagodas, equal to 76,800 *l.*, was annually appropriated for the "suitable maintenance" of the families.

The amount really expended has not been so much as fixed; the difference or balance has been carried annually to a fund known as the Appropriated Mysore Deposit Fund, and an account of the fund has appeared every year in the East India Company's printed Returns to Parliament up to 1855.

Regarding the Mysore family's rights to the fund, I beg to make the following quotations:

In Vol. 1, of the Supplementary Despatches and Memoranda of Field Marshal the Duke of Wellington, appears his letter to the Earl of Mornington, 8th May 1799, page 214, part of which runs thus: "My system is to take it all as a conquest, subject to the following restrictions, 1st. The family of Tippoo ought to be provided for. His women and those of his father ought to have suitable jaghires. Each of his sons ought to have a large jaghire."

Extract from Lord Wellesley's letter to the Resident at Hyderabad, 30th June 1799: "Meer Allum (on the part of the Nizam) having objected to the operation of the 6th Article of the treaty, I offered on the part of the Company to render annually to the Nizam an account of the expense of maintaining the deposed family, and to divide with his Highness any contingent saving within the sum stipulated by the treaty for their annual maintenance, provided his Highness would consent to pay half of any eventual excess beyond the stipulated sum."

Lord Wellesley's letter to the Court of Directors, 3d August 1799: "It would have been more grateful to my mind (securing a munificent provision for the ancient family of Mysore) to have restored that of Tippoo to the throne, but considerations of policy, &c., induced me to adopt the resolution of preferring the descendants of the Rajahs of Mysore to the heir of Tippoo Sultan. I determined at the same time to grant to the families of Hyder Alli Khan and Tippoo Sultan a more magnificent maintenance than either had enjoyed during the late reign."

Extract from a letter of the late Duke of Wellington, 29th November 1799, page 402, of Vol. 1, of said Despatches: "I have the honour to enclose you a statement of the fund provided by treaty for the family of Tippoo Sultan. You will perceive that although the provision made for every person connected with the family is handsome, there is a large balance in favour of the Company, and that Government will be enabled to provide equally handsomely for the younger branches of the family as they advance in years."

Extracts from a letter of the late Duke of Wellington to the Secretary of Government, Fort St. George, 16th December 1799, page 415, Vol. 1, of said Despatches: "These expenses fall upon the fund provided by treaty for the support of the family of Tippoo Sultan." Again, "It will be necessary that the Right honourable the Governor in Council should decide upon the manner of settling the accounts of this family fund in future. There can be no doubt but that they ought to go through the hands of one person, otherwise the state of the fund, from which there are so many small drains, can never be ascertained. And as the disbursements fall neither upon the civil nor military fund, that one person ought to send his accounts to Government under the head of 'accounts of the fund provided by treaty for the family of the late Tippoo Sultan.'" Again, "I propose to obtain from Mr. Gordon an account of all sums which he has paid on account of the family fund."

Extract from a letter of the late Duke of Wellington to Lieutenant Colonel Doveton, dated 10th January 1800, page 428, Vol. 1, of said Despatches: "Dear sir. By letters received from Government, I learn that it is intended that you should pay the pensions of the family of the late Tippoo Sultan and Hyder Alli Khan and other charges falling upon what is called the fund provided by treaty for the families of Tippoo Sultan, &c."

Extract of a letter from and to the same gentlemen, dated 19th January 1800, page 441, Vol 1, of said Despatches: "I am glad that you approve of the method of settling the accounts of the family fund which I have proposed."

Extract from a letter of the late Duke of Wellington to his brother, Lord Wellesley, 9 June 1801, page 436, Vol. 2, of said Despatches: "The family don't now spend more than half the sum allotted to them by treaty, and there surely can be no grounds for this shameful breach of faith with persons in our power."

Extract from Mr. Secretary Adam's letter to Colonel T. Hawkins, Superintendent of the Mysore Princes, 8th January 1813, paragraph 2: "And authorises you to transfer the amount in question to the debit of the Mysore princes in the general account with Government."

Extract from Mr. Secretary Beadon's letter to the Council of Education, 16 January 1854: "His honour will be prepared to recommend an expenditure" (to provide means of instruction for members of the family) "out of the savings from the fund originally designed for the support of the family."

Finally, extract from Her Majesty's Proclamation on assuming the Government of India: "We hereby announce to the native princes of India, that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part."

POLITICAL DESPATCH from the Secretary of State for India in Council, to the Governor General of India in Council; dated 11 June, No. 50 of 1860.

Para. 1. IN my letter of the 2d instant I informed your Excellency that Prince Gholam Mahomed, with his son and grandson, were about to return to India by the steamer of the 4th. They have since taken their departure; and I now

now proceed to acquaint you with the steps which I have taken, after full consideration in Council, to place upon a revised and permanent footing the general arrangements for the maintenance of the Mysore family.

2. I must first, however, inform your Lordship, that in thus re-opening a question which the Court of Directors of the East India Company and your Lordship's Government had considered to be definitely settled, I by no means intended to question the justice of previous decisions, or the liberality of the last arrangements which had been made forthe increased endowment of the Mysore family. But it appeared to me that the presence of the head of the family in England afforded a favourable opportunity for ascertaining their views with respect to a scheme by which I hoped to realise the frequently expressed desire both of the Indian and the Home Governments to place the descendants of Hyder Ali and Tippoo Sultan eventually in a position of independence. The prospective benefit of such an arrangement might, I thought, be advantageously purchased by some present sacrifice of revenue.

3. I proposed, therefore, to capitalise, for the benefit of each of the grandsons and the fatherless great-grandsons of Tippoo Sultan, a certain annual amount, by the creation of Government stock, the interest to be drawn by them during their lives, and at their deaths to form a permanent provision for their families. The principle of this arrangement having been acquiesced in by Prince Gholam Mahomed, I proceeded to carry it into effect.

4. I have consented to raise the present stipends of the grandsons of Tippoo Sultan, from 600 Company's rupees to 1,000 Company's rupees per mensem, one-half of which increased stipend is to be considered as a personal allowance, terminable with the life of the recipient, whilst the other moiety is to consist of the interest derived from the requisite amount of Government 4 per Cent. paper (to be invested in the manner hereafter described), and is to form a permanent provision for his family after his death.

5. With respect to those great-grandsons of Tippoo Sultan who, by their fathers' deaths, have become heads of families, I have consented to raise their stipends from 200 to 300 rupees per mensem. Of this amount, 100 rupees per mensem is to be regarded as a personal allowance terminable with their lives, and the remaining 200 rupees per mensem is to be derived from capital stock yielding that interest, in the same manner as in the case of the grandsons, and is, in like manner, to form a permanent provision for their families. Although the interest of the sums capitalised is to be payable to, and at the entire disposal of, the several heads of families, it is essential that the capital stock should not be unrestrictedly at their command. I propose, therefore, that it should be invested in the names of a committee of trustees, consisting of three members of the family named in the margin,* the signatures of a majority of whom are to be necessary to legalise any sale or transfer of the capital. In the event of the death of any one of the trustees, the survivors will name a third, with the consent of the persons interested.

* Prince Gholam Mahomed, Prince Feroze Shah, Prince Pak Auctar.

6. It is to be understood that any holder of this capital stock, dying without legitimate issue, may bequeath it to any member of the Mysore family, but to no other person.

7. In order that no misunderstanding may arise as to the several grandsons and fatherless great-grandsons of Tippoo Sultan, permitted to participate in the benefits of this scheme, I inclose a nominal roll of those descendants of the Sultan whose claims I have recognised. In addition to these, I have taken into favourable consideration the cases of the families of the Newab Gholam Ali, the grandson of Hyder Ali, and of Noorool-huck, the fatherless great-grandson of the same chief; and I have to request that you will place the first on the same footing with respect to his present stipend and the future provision for his family as the grandsons, and the second on the footing of the fatherless great-grandsons of Tippoo Sultan. The present stipend of Gholam Ali is 1,000 rupees a month. That amount will remain unaltered, but the stipend of Noorool-huck will be raised from 250 to 300 rupees a month, the capital stock funded for their benefit respectively, and subject to the conditions stated above, yielding severally dividends equal to 500 and 200 rupees a month, which are to form parts of their respective stipends.

8. My attention has also been invited by Prince Gholam Mahomed to the cases of Hanjeerah Begum, a grand-daughter of Tippoo Sultan, by the mother's side, of the Sahibzadah Roshun Auctar, grandson of the late Prince Yasseen, and of the Sahibzadah Shumsoodeen and his sister, grand children of the late Prince Soobhan. I have made no specific arrangements with respect to these persons; but I recommend their cases to such favourable consideration as your Excellency may think fit to bestow upon them.

9. I have stated, that in reconsidering and revising the stipendiary arrangements made for the maintenance of the Mysore family, I have had in view the advantages to be derived from a system by which I hope eventually that the descendants of Hyder Ali and Tippoo Sultan may be placed in a position of independence, and absorbed into the general mass of the population. But it is obvious that this object cannot be attained so long as the members of the Mysore family reside under special superintendence, and restricted to one locality. I request, therefore, that as soon as is practicable, after the receipt of this Despatch, you will cause it to be communicated to the heads of the several branches of the Mysore family, that Her Majesty's Government, having the fullest confidence in their loyalty and good feeling, do not desire that they shold live any longer under surveillance, or that any restriction as to their residence should be maintained. Aware, however, that their removal from Russapugla must be attended with considerable additional expense, I have intimated to Prince Gholam Mahomed, that I am prepared to sanction the payment to each of the grandsons of Tippoo Sultan, of the sum of fifteen thousand (15,000) Company's rupees, and to each of the great grandsons, being heads of families, of five thousand (5,000) Company's rupees, to be expended in providing a permanent residence in some other locality. It is also the desire of Her Majesty's Government that, if requested by any proprietors of houses at Russapugla thus evacuated, you should purchase their property at the market value.

10. I have also to inform your Excellency that, it having been represented to Her Majesty's Government that, owing to the high price of provisions, and to other causes, the members of the family are generally involved in debt; they have consented to sanction the immediate payment by your Government of an additional sum of fifteen thousand (15,000) rupees to each grandson, and of five thousand (5,000) rupees to each great-grandson of Tippoo Sultan, being the head of a family, with a view to their relief from present embarrassments.

11. There is little room to doubt the ready concurrence in every head of a family in the proposed arrangements. But you will, as soon as possible, proceed to ascertain the wishes of each member, and upon his signifying his acquiescence in the scheme, allow the benefits thereof to take effect from the date of such acquiescence. In the possible event, however, of any member declining to accept the proposed terms, the present status of himself and his family will be strictly maintained.

12. With respect to the titles of the grandsons of Tippoo Sultan, Her Majesty has been graciously pleased to respond favourably to the appeal of Prince Gholam Mahomed, and to command their recognition as "Shahzadahs."

13. I have only further to add, that the stipends of the female members of the family will remain on their present footing. Your Excellency's Government will, as heretofore, consider the claims of any old servants or dependents left destitute by the death of any lady by whom they may have been supported; and you will accord generally to the family such privileges as they have hitherto enjoyed, and such friendly protection and consideration as their high respectability and unquestioned loyalty entitle them to receive at the hands of the British Government.

(signed) *Charles Wood.*

Dissent by Sir *Henry Montgomery*.

19 March 1860.

Sir Henry Montgomery's reasons for dissenting from the Report of the Committee appointed to investigate the claims of the Mysore Princes.

1. I regret that I cannot concur in the recommendations contained in this Report, or in the proposed reply to the descendants of Tippoo Sultan.

2. Under the treaties of 1799, I am unable to recognise the claims of this family to the permanent enjoyment of the two lacs of star pagodas therein specified, but as his Highness Gholam Mahomed has waived his pretensions to a demand to this extent, and limits his claims to "suitable maintenance" for the family, it is unnecessary now to do more than consider what is a suitable maintenance.

3. During Lord Minto's Government, the condition of the family was very fully and carefully examined, and what was then deemed a liberal and suitable maintenance assigned to it.

4. In 1854, his Highness Gholam Mahomed first visited England, and pressed his suit for augmented allowances, and, although the Government of Lord Dalhousie did not recommend the measure, a considerable augmentation of stipends was granted by the Home Government, which his Highness admitted as liberal, and he returned to Calcutta apparently highly satisfied with the settlement that he had succeeded in obtaining, and which was understood to be of a final character, and accepted as such.

5. Notwithstanding the intended finality of this arrangement, and encouraged by the success of the importunity practised on the Home authorities, his Highness again visits this country with the object of advancing still further claims on the Government. The Governor General, Lord Canning, was so satisfied of the sufficiency of the settlements of 1855 and 1857, that he declined in 1859 to forward to the Home authorities the Prince's memorial. Thus, therefore, we have the views of the Governments of Lords Minto, Dalhousie, and Canning, by whom the condition and claims of this family have been specially considered, and going far beyond the limits pronounced ample and liberal by the Governments of the two latter noblemen, the stipends of the principal members of the family were raised in 1857, on the sole responsibility and motion of the Home Government. The allowance of his Highness Gholam Mahomed was then largely increased, and those of the grandsons and great-grandsons raised to 600* and 200† rupees per mensem respectively. His Highness Gholam Mahomed does not at present seek any further increase of his own personal stipend, which he is constrained to admit is ample.

I quote here the 2d paragraph of the Minute recorded by the Governor General, 24th January 1855, forwarding the memorial of Prince Gholam Mahomed :—

2. "I am wholly unable to see that Prince Gholam Mahomed, or his family, has any ground of just complaint; or that any change should be made in the footing upon which the Mysore princes have long been placed. In truth, I conceive that nothing can be added to the Despatch No. 1 of 1854, in which the Honourable Court discussed and disposed of the alleged claims of the family of Tippoo Sultan."

* 720 *l.* per annum.
† 240 *l.* per annum.

6. The question, therefore, to be considered is, whether the allowances of 600 and 200 rupees per mensem accorded to the grandsons and great-grandsons, in 1855 and 1857, are or are not a "suitable maintenance," and whether there is any just ground for raising them, as proposed in the draft, to 1,000 and 400 rupees.

7. Any one acquainted with the requirements of the family of a native gentleman, must allow that a regularly paid monthly income of 600 rupees, though it will not meet the reckless extravagance to which the generality of native gentlemen of this class are prone, does afford the means of living in comfort and respectability suitable to the position of these stipendiaries. It is, perhaps, ten times larger than the allowances that would have been assigned to these very persons, had their ancestor been still occupying his sovereign position in Mysore, and I am persuaded it is far beyond what other reigning princes grant to their near relations. I object, therefore, in the case of the grandsons, to the proposed considerable advance of their stipends from 600 to 1,000 rupees, as liberality in no way called for, and I consider the present stipends to great-grandsons also sufficient.

8. I do not oppose the capitalising of a portion of the existing stipends, say 300, or even 400, of the 600 in the one case, and one half in the case of great-grandsons; but to augment these ample allowances to 1,000 and 400 rupees respectively, and then to capitalise one half at the increased rate, appears to me to be a profuse and lavish expenditure of the resources of the State, affecting both the present and the future, which, as the guardians of the revenues of India, we are not justified in authorising, especially in times of great financial difficulty, and in opposition to the opinions of the present and late Governors General.

9. We are daily urging on the several Governments precepts of rigid economy, while we set them an example of uncalled for munificence in favour of the descendants of our bitterest enemy.

10. I believe the proposed capitalisation will absorb at least half a million pounds sterling, and impose a permanent annual charge on the revenues of 25,000 *l.*

11. But, in addition to this munificent provision for the family, it is proposed to bestow on each grandson a donation of 1,500 *l.*, and on each great-grandson 500 *l.*, to relieve them of embarrassments incurred, and, the Government having purchased the house property they now hold in Russeepugla, on, doubtless, favourable terms to them, a still further donation of similar sums, to enable them to provide new residences in such places as they may desire, is to be granted. I admit that it is very desirable to break up the settlement at Russeepugla, and to give some inducements to the stipendiaries to merge into the general population, but I consider this should be effected at a much less cost than 100,000 *l.*, in addition to the half million above-mentioned.

12. We are seeking means of increasing the revenue, and of imposing taxation in every feasible shape; we are pressing hard upon the people generally; we are refusing expenditure on public works avowedly required; and we are limiting to the smallest possible amount compensation for losses during the late disastrous times, and rewards for services performed. This is not, therefore, in my opinion, the time for the profuseness exhibited by the Committee's draft.

13. If the cases of these Mysore princes are deemed deserving of any further concession, after the fair and liberal settlement of 1855 and 1857, they might be fully met by giving some retrospective effect to the arrangement then concluded. As it is, it is proposed to give far more than the memorialists have asked for, and they must be astonished at the success which has followed the unceasing importunity with which they have urged their suit.

H. C. Montgomery.

DISSENT by *J. P. Willoughby*, Esq., on the same subject.

22 March 1860.

I ENTIRELY concur in this dissent. At no time, in my opinion, would we be justified in imposing so great a charge on the revenues of India. At all events, we are not justified in doing so at the present time of financial pressure, so great that we are about to incur the risk of introducing a new system of taxation, which must produce great discontent, if not something more serious, throughout India. The family of Tippoo Sultan have no right whatever to the savings out of the original allowance set apart for their support, which was never intended to be a perpetuity. The settlement effected a few years since by the Court of Directors was accepted with joy and thankfulness by the head of the family, and was most liberal, both to himself and to those he represented.

J. P. Willoughby.

DISSENT by Colonel *Durand*, on the same subject.

23 March 1860.

I CONCUR in the dissent of Sir Henry Montgomery. The only novel reasons advanced for this lavish expenditure of half a million are its finality as a bar to further claims, and the desire to fuse the descendants of Tippoo into the general population. Both reasons appear to me fallacious. The arrangements proposed will not bar further pretentious claims on the part of Tippoo's descendants, and it will be a signal example to all India of the success of persevering importunity in England, over-riding the deliberate decisions of successive Governors General. As for merging Shahzadahs into the general population, the idea involves a positive violation of the habits and feelings both of the chiefs and of the people of India, and I am surprised that such an issue can be entertained as a probable result of making the Shahzadahs of Tippoo's race munificently endowed stipendiaries. The half million thus spent will fail in both its ostensible objects, but will be very successful in showing the chiefs of India, whether bitter enemies or the reverse, that no matter what the sense of treaty engagements, or the liberality of the terms granted to conquered enemies, or the repeated and deliberate decisions of Governors General with reference to claims advanced, either on treaties or terms, the rule and authority of these successive Governors General are as nothing in comparison with the effect and success of importunity in England.

H. M. Durand, C.B.

No. (116).

To the Right Honourable Sir *Charles Wood*, Bart., M.P., Her Majesty's Secretary of State for India.

Fort William, Foreign Department,
1 September 1860.

Sir,

WE have the honour to acknowledge the receipt of your Despatch, No. 50, dated 11th June last, communicating new arrangements to be made for the maintenance of the Mysore family, and to transmit for the consideration of Her Majesty's Government copies of the Minutes noted on the margin.*

We have, &c.
(signed) *Canning.*
H. B. C. Frere.
Cecil Beadon.

MINUTE by His Excellency the Viceroy and Governor General of India, dated 20 August 1860.

New arrangements for the maintenance of the Mysore family.

1. A DESPATCH of the 11th of June 1860 from the Secretary of State, placing upon a revised and permanent footing the general arrangements for the maintenance of the Mysore family, has been received; and this has been followed by a letter from Prince Gholam Mahomed, enclosing a written acceptance of those arrangements by those grandsons and great-grandsons of Sultan Tippoo, whose names are in the roll furnished by the Secretary of State to Prince Gholam Mahomed on the 19th of May last. His Highness claims that the arrangements be now carried out.

2. It is the duty of the Governor General in Council to carry them out forthwith, but in signifying to the Secretary of State that this will be done it will not, I hope, be deemed out of place if I offer some remarks upon the measures which have been adopted.

I may

* Minute by the Governor General, dated 20th August 1860; Minute by the Honourable Sir H. B. E. Frere, dated 30th August 1860; Minute by the Honourable C. Beadon, dated 31st August 1860.

I may fairly expect on the part of the Government of India, that these remarks will not be misunderstood. The readiness which this Government has shown of late to appreciate and reward good service and loyalty on the part of every class of the native community, and especially on that of the princes of India, is not, I believe, doubted; and nothing can be further from my own wish than to stand in the way of the bountiful purposes of Her Majesty's Government, once declared, towards any of Her Majesty's subjects. But the interest of the Queen's administration in India impose upon me the duty of calling the attention of the Secretary of State to some features of this case.

3. We are informed in the despatch that the justice of previous decisions and the liberality of the last arrangements made for the increased endowment of the Mysore family are not questioned. The chief object of the present arrangement is declared to be the placing of the descendants of Hyder Ali and Tippoo Sultan eventually in a position of independence.

4. I beg leave respectfully to express my opinion that this is an object which it is very desirable and wise to accomplish; and if the arrangements which have now been made reached no further than this, I should have nothing to say. I am quite of opinion that it has been an error on the part of the Indian Government in this country and in England, to leave too much in uncertainty, and to the chances and caprices of the future when dealing with the interests of native princes. I lately took occasion to express this opinion in speaking of the recognitions of adoptions, and I consider that it holds good in regard to cases of stipendiaries. The policy of keeping men, especially men who are proud of their family, upon their good behaviour by keeping them in uncertainty as to the future fortunes of their descendants, is, I believe, a mistaken one; and I wish to see it abandoned except in some of the cases in which the stipendiaries have themselves been, and may again become, enemies of the State. Few ties can bind a man more strongly to the State than the knowledge that it has assured to the family which he will leave behind him a competent and unfailing provision. But the present arrangements do very much more than this.

5. The pensions of 36 members of the family are to be increased at once to two-thirds or by one-half, as the case may be, causing an immediate annual charge upon the Government of 11,820 *l.*

The same number of persons are to receive, immediately, for the payment of debts, sums to the amount of 38,500 *l.*

They are to receive a like sum of 38,500 *l.* to help them to change their residences if they desire to do so.

They are also to receive, if they desire it, the market value of their present residences. The amount of this is uncertain, but 20,000 *l.* would not cover it.

All these charges may come upon the Government immediately, and by far the greater part probably will do so.

6. The circumstances of the time must be my excuse if I say that this is a grievous weight to put upon the State when every nerve is being strained to reduce and keep down expenditure, and when risk and odium are being incurred by the raising of new taxes.

The Home Government cannot be fully aware of the refusals and postponements with which the most urgent requests for increased expenditure in various departments of civil administration are almost daily met by the Governor General in Council, even when based on the clearest justice and expediency. But the general necessity under which we lie of avoiding for the present every increase of expense that can by possibility be avoided, must surely be understood in England.

7. Here it certainly is not by the Government alone that this new infliction is felt. The arrangement has been paraded in the newspapers (not by the authority of Government), and is known to the public at large, and I have reason to believe that it is viewed as a very unseasonable burden by many who are now being called upon for the first time to pay a direct tax to the State, and who are therefore more inclined than they have hitherto been to criticise the disposal of the State's money.

8. Usually the Government of India has been consulted by the Home Government when measures affecting the position of the chiefs, or great families of India, have

have been in question, and especially when any considerable expenditure, hitherto unlooked for, has been involved. In the present instance the Governor General in Council was not apprised of such measures being contemplated.

9. Had he been so apprised it would have been his duty to suggest for consideration some points which seem to have been entirely overlooked in England.

Admitting that it is desirable and just that there should be some permanent future provision made for the Mysore family, it would have been his duty to submit that a present and general increase of their stipend is not called for.

He might also have suggested that a general grant of money for the payment of debts is not called for, there being some amongst the stipendiaries who have saved money and are well to do, and do not require a present of 1,500 *l.*; and others whose debts have been caused by wanton extravagance and dissoluteness much more than by high prices of provisions (the only reason specified for this present), and who, in one or two instances, are embarrassed to an extent which will make 1,500 *l.* a quite inappreciable relief.

He might have shown that the terms upon which assistance has now been promised to all who desire to remove from their present residence are such as almost to invite a defeat of the intentions of Her Majesty's Government, the Government of India having no discretion left to it to insure that the change of residence shall be permanent, that the person who has received money wherewith to provide a residence in another locality, shall divest himself of his residence in Russapugla, and that the possession of another residence shall not be simply a further accession of property to him.

10. These are some of the remarks which I have to make on this matter, and I have felt it the more incumbent upon me to make them, because I observe that the presence of the head of the Mysore family in England has been considered a favourable opportunity, not only for ascertaining the views of the family with respect to a scheme which shall place them in independence (as is stated in the despatch of the 11th of June), but also for finally deciding upon that scheme, and for pledging the Government to it without further consultation or reference.

Now it is very probable that the result of Prince Golam Mahamed's voyage to England being known, other natives of high rank, who may have favours to ask, will follow his example. It will be for the Secretary of State to judge whether their claims too shall be decided in England without reference to the Governor General in Council.

11. I venture to think that, apart from the burden which may be put upon the revenue unnecessarily and unseasonably by such a course, there are strong reasons for adhering to the former practice of receiving the representations of all such claimants through, or of referring them to the Government of India.

With the increasing facility and habit of visiting England, and with the tendency which the assumption of the Government of India by the Crown has naturally had to direct all eyes to England, it has become more than ever desirable that, with the view of upholding the authority of the Governor General in Council, natives should not, whatever their rank, be encouraged to address their claims direct to the Home Government.

12. It cannot be a good thing that a native prince, however high in rank or loyal in disposition, should go about vaunting the influence which he has been able to exercise in England in the acquisition of his desires, as Prince Gholam Mahomed has lately done.

13. I have before had occasion to remark* (I believe with the approval of Her Majesty's Government) that, "it is not a proper or a wise policy to lead the native chiefs to look beyond the Queen's representative in matters affecting their rights and titles, and the engagements made with them," and that "it is a mistake to suppose that by so doing their loyal and orderly subordination to the Queen's Government would be promoted."

* Despatch to Secretary of State, Camp Loodiana, 28 January 1860.

These remarks had not reference to the rights or claims of stipendiary chiefs, but they are not the less applicable to such chiefs. I refer to them now not from any jealousy for the authority of an office which I shall soon lay down, but because I am convinced that to hold India well in hand the influence of the Governor General in Council ought to be increased and not diminished in the eyes of the natives, and that

that weakness will result to the Government of India by attracting their attention and their hopes from India to England. It appears to me that the tendency of some recent proceedings has been in this last named direction; but however this may be, the fact that a pensioned prince leaving Calcutta without any avowal of his purpose (indeed, with a studious concealment of it, as regards myself), has been able to obtain from Her Majesty's Government an augmentation of the stipends and grants to his family by the vast amounts ordered in the despatch of the 11th of June, and that he has claimed payment with only a few days' fore-knowledge on the part of the Government, and at a time of notorious financial pressure, is a significant one. All this is as well known in the bazaars and streets of Calcutta as in the Council Chamber of Government House or at the India Office in London; and it will not tend to elevate the Government of India in the estimation of the public, native or European.

14. There are some points upon which, in carrying out the prescribed arrangements, it will be necessary to act under the advice of the Advocate General.

(signed) *Canning.*

MINUTE by the Honourable *H. B. E. Frere*, dated 30 August 1860.

Additional grants to Mysore princes.

I CAN add little beyond the expression of my hearty concurrence in all the views expressed by His Excellency the Viceroy, on the subject of the recent grants to the Mysore Princes.

I regret the arrangements much for the sake of the true interests of the family itself. As far as regards immediate finance, a pension is generally the cheapest mode of bestowing the bounty of Government, and there are often political and other considerations which raise a bar to any other form of grant. But I am convinced there is none so surely and rapidly demoralising to a native family, and the evil effects on the recipients are always proportioned to the amount of the pension. Of course no family of native pensioners of high rank ever see the matter in this light; but from long experience of that class, I fear, not only that the desire to place this family in a position of independence will be frustrated, by the inevitable tendency of a mere money grant to cramp their energies, but that it will be a fatal gift, tending to increase, in each generation, the number of unworthy recipients, and to diminish the proportion of those members of the family who will bear a trace of their brave and energetic ancestry.

The liberality of the British Government to this family has passed into a proverb among the natives. Not only in the Deccan, where Tippoo's influence was felt, but in Sind, where he is only known as a name in history, it is a common phrase, when a man appeals to the liberality of the Government to say, "The resources of the British Government are, like its liberality, as boundless and fathomless as the ocean; you can give the pensions of princes to the sons of Tippoo, whom you conquered and slew. What difficulty can you have in providing for an old servant or ally," &c., &c. I do not think I exaggerate in saying that this sort of appeal has been made to me scores of times by persons arguing in favour of some fancied claim of justice from the apparently inexplicable liberality of our Government towards the Mysore family, who were supposed by them to have no claim on anything but our compassion. Hundreds of such claimants for justice, with or without foundation for their claims, representatives of dethroned dynasties, and of families whose fiefs and estates have escheated, will hear of this act of munificence, and will, I fear, not praise our liberality as much as they will impugn our justice. I apprehend that there are few political officers in Central and Southern India who will not find that the news of this grant, as it passes from durbar to durbar, will add seriously to their difficulties in dealing with that large and discontented class which represents the princes and nobility of the former rulers of India.

His Excellency has briefly adverted to the inexpediency of disposing of such questions as this without previous reference to the Governor General. I would venture to go further, and to submit that there is grave danger in taking up such questions, except at the instance of the Viceroy; not merely danger of the Home authorities being besieged with claims, of the relative merits of which it will be impossible to judge, nor simply danger of the revenues of India being burdened

burdened with grants, which will bear little reference to either the relative justice of the claims, or to the means of the Indian exchequer, but danger of a very serious weakening of the authority of the Governor General. Whatever the motives or the circumstances under which it is made, every such grant is understood by the recipient, and by all in the same position, as implying censure on the representative of the Sovereign in India. Whatever the ground of the grant, whether justice or liberality, the question must suggest itself, and I know does suggest itself, to every possible claimant—"if justice or liberality is to be met with in India, why go elsewhere for them?"

It would be some compensation if a strong feeling of gratitude towards one part of the Indian administration were evoked even at the expense of undue depreciation of another; but this is, I fear, not often the case. I have observed myself, and the observation has been confirmed by the wider experience of others, that though men going home with an Indian grievance often get more than they and their friends expected when they went, they rarely, if ever, return either grateful or contented.

It would not be difficult to trace the cause of this, bearing in mind that the course pursued by the claimant is generally one which impresses an Asiatic with the idea that he owes his success to influence, favour, or luck; to some form of that fortune, with whose gifts no mortal is ever content, as he is with the tardier and smaller rewards of industry or justice.

In objecting to questions like this being taken up, except at the instance of the Viceroy, I trust I may not be misunderstood as saying a word against the right of appeal which every native of India ought to possess against any act of any Government functionary however exalted. The exercise of such right of appeal will never, I am convinced, impair the true power of any Government of India such as we have had for generations past; and I trust the day is not far distant when the Sovereign may have at hand a tribunal forming a part of Her Majesty's Privy Council, or possessing the same relation to the Crown, which may, at command, sit in judgment on questions of executive administration, whether appealed from or referred by the Government of India, and which may decide such questions with an authority which shall be conclusive with Parliament and the public, as well as against any possible appellant.

I believe that such a tribunal, advising the Crown on the exercise of its sovereign prerogative on Indian matters, and of necessity excluding all irregular interference, would greatly strengthen the Government of India; but I am convinced that the present absence of system in dealing with Indian claims or Indian grievances in England, is fraught with great and immediate danger to the authority of Government far beyond the admission of inconvenient burdens on our exhausted Treasury; though I fully concur in all his Excellency says on this head, and anticipate very serious addition to our trouble in levying the new taxes when this additional burden on our resources becomes, as it inevitably must sooner or later become, the subject of public discussion.

(signed) *H. B. E. Frere.*

MINUTE by the Honourable *C. Beadon*, dated the 31st August 1860.

I ENTIRELY concur with his Excellency the Viceroy.

Additional grant of money to certain members of the Mysore family.

The power of the Governor General is the keystone of the fabric of the British Empire in India, and whatever tends to diminish that power, especially in the estimation of native princes and other natives of rank and influence, is dangerous to the existence of the empire.

I can scarcely conceive anything more likely to detract from the power of the Governor General in such estimation than a practice, on the part of the Home Government, of receiving applications from natives of India, whether they be in India or in England, unless such applications are transmitted through the Government of India, and of acting on such applications without a previous communication from the Government of India.

A strict observance of the rule which has, until lately, been invariably followed in this respect, is a tower of strength to the Home Government, and the only guarantee against the mischievous consequences of interested representa-

tions made beyond the reach of correction. The rule involves injustice to no one, as all memorials to Her Majesty (as formerly to the Court of Directors of the East Inida Company), presented to the local Government are, if respectfully expressed, transmitted to England, accompanied by such explanation as they require.

I trust the time will never come when, as in the days of the Mogul Empire, suitors may habitually repair to the capital, and by importunity and the exercise of such influence as they can command, obtain, on unsound pretences, from the Imperial Government, direct orders on the local administration which, however detrimental to the public interests, cannot, with due regard to constituted authority, be disobeyed.

(signed) *Cecil Beadon.*

(Political.—No. 14.)

To His Excellency the Right Honourable the Governor General of India in Council.

My Lord, India Office, London, 4 February 1861.

1. THE Minutes of the several members of your Excellency's Government, enclosed in your letter of the 1st of September, No. 116 of 1860, on the subject of the instructions communicated to you in my Despatch of the 11th of June, No. 50 of 1860, respecting certain new arrangements for the future maintenance of the Mysore family, have received from me in Council all the consideration which their importance demands.

2. I regret that you should have thought it necessary to protest against what you consider the undue liberality of the provisions made, without communication with your Government, for the benefit of different members of this family, and that you regard the arrangement as embarrassing to the finances of India, at a time when you are straining every effort to restore their equilibrium by measures of economy and retrenchment. But after weighing all the arguments advanced by the several members of your Government, I am still of opinion that the instructions communicated to you were based upon principles of sound policy and substantial justice.

3. Your Excellency is aware that, by the treaty between the East India Company and the Nizam, concluded on the 22d of June 1799, the Company engaged, out of the revenues of certain districts specially assigned to them for the purpose, over and above their half of the conquered territory, "to provide effectually for the suitable maintenance of the whole of the families of the late Hyder Ali Khan and of the late Tippoo Sultaun," and "to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lakhs of star pagados," or about 70,000 *l.* In a subsequent article it was stipulated that the Company "shall be at liberty to make such deduction, from time to time, from the sums allotted to the maintenance of the families, as may be proper in consequence of the decease of any member of the said families;" "and in the event," it was added, "of any hostile attempt on the part of the said family, or any member of it, against the authority of the contracting parties or against the peace of their respective dominions, or the territory of the Rajah of Mysore, then the said East India Company shall be at liberty to limit or to suspend entirely the payment of the whole or any part of the stipend stipulated to be applied to the maintenance and support of the said families."

4. From this time, up to the year 1806, the families of Hyder Ali and Tippoo Sultan resided at Vellore, under the Madras Presidency. The amounts applied to their maintenance during that period varied from year to year, but the aggregate sum fell short of that fixed in the treaty by 2½ lakhs of star pagodas, or about 87,500 *l.*

5. In 1806, in consequence of the event known in history as the Mutiny at Vellore, the family were removed to Calcutta. I do not think it necessary further to allude to the occurrences at Vellore, because the Governor General

(Lord

(Lord Minto), after full consideration, determined that they did not affect the claims of the family to a liberal maintenance from the British Government. In a Minute recorded by his Lordship, he declared it to be his intention to maintain the provision for the family, and he assigned allowances, on a fixed scale, to the several existing members: but he added, "it must be expressed very explicitly that this settlement is made for the lives of the present princes respectively, and that on their decease Government reserves to itself the right of considering anew the nature and amount of the provision to be made for their descendants and families."

6. From this period, the members of the family who were removed from Vellore, resided at Russapugla, in the suburbs of Calcutta, under the superintendence of a British officer especially appointed for the purpose. No suspicion of disloyalty ever attached to them; and the Government, under the several successors of Lord Minto, continued to extend to the family the liberal support and provision contemplated by that statesman.

7. The disbursements to the several members of the family, on account of stipends, and incidental expenses, varied from time to time, generally falling short of the amount specified in the Partition Treaty. The account of these sums was kept separate from the general revenue returns, under the name of "The Appropriated Mysore Deposit Fund." This form of keeping the account had been adopted, not on the ground that the family had any claim to the whole of the proceeds of the fund, but in order to afford the Government the means of watching the disbursements on their account. In the year 1855–56, the deposit fund, by order of Government, ceased to form a separate item of account. At that time, there had accumulated a balance of fifty-nine lakhs of rupees, or about 600,000 *l.*

8. The increasing balance of this fund had been jealously watched by the members of the Mysore family, and in December 1851, Prince Gholam Mahomed addressed a memorial to the Court of Directors of the East India Company, asserting the right of the family, retrospectively and prospectively, to the whole amount named in the treaty of 1799, and complaining that the promises made by Lord Minto had not been fulfilled in the spirit in which they were made. The Court of Directors, in a Despatch to the Supreme Government, dated the 18th of August 1852, distinctly denied the right of the family, retrospectively and prospectively, to the full amount of the sums specified in the treaty.

9. Whilst I am of opinion that the East India Company were under no obligation to continue to expend on the maintenance of the descendants of Hyder Ali and Tippoo Sultan the full amount named in the treaty of 1799 (both the terms of the treaty and the subsequent declarations of Lord Minto having expressly reserved to the British Government the right of revising, from time to time, the amounts granted to them), I have always considered that the family had strong claims to the continued protection of the Government, and to receive liberal provision for their maintenance, and that these claims could at no time be set aside or ignored, until the Government had relieved itself from the duty of supporting the members of the Mysore family by providing them with the means of supporting themselves. I feel also that the existence for a long period of a large accumulated surplus in the account referred to, cannot be overlooked in the consideration of any scheme for the final adjustment of these claims.

10. With a like sense of their obligations the Court of Directors of the East India Company, in a Despatch dated the 4th of January 1854, wrote to the Supreme Government that, whilst they were strongly impressed with the evil of prolonging, for an indefinite period, the existence of such a race of Government stipendiaries, "justice required that the rising generation of these families should receive every facility and encouragement to qualify themselves for, and to obtain honourable employment in, the public service, or elsewhere." It was, indeed, the frequently expressed wish of the Court of Directors that the Mysore Family should cease to be an exclusive and privileged class of stipendiaries, but not until they had been fitted to become independent self-supporting members of society.

11. In the spring of 1854, Prince Gholam Mahomed came to England with

letters of strong personal recommendation from the Governor General. The main object of this visit was to urge the claims of his family to some revision of the existing stipendiary arrangements for the maintenance of its different members. Upon full consideration of the case, an addition was made to the stipends of the several grandsons of Tippoo Sultan and to his own. In communicating to the Government of India their views with respect to these and to other lesser arrangements, the Court of Directors took occasion again to record their opinions on the general question, observing that, " although in our Despatch of the 4th of January 1854 we refused to recognise any claim of right in the members of the family, we have always felt the obligation not only to fulfil the promises and pledges of Lord Minto, but to carry out his arrangements in the same liberal spirit in which they were framed." And, adverting to a proposal which had been originated some years before by Colonel Caulfield, Superintendent of Mysore Princes, for the gradual absorption of the family into the general community of India, by applying part of the funds in deposit for this object, the Court observed that, although they did not at the time entertain the proposal, they recognised the soundness of the principle, and were willing to sanction any well-considered plan based upon it. And they added, " Referring to our obligations to adhere strictly to the promises and principles of the Minute of Lord Minto, we have always felt that the full assent of the members of the family to any such scheme was an essential condition, and that it should be framed in communication and concert with the influential and leading members of it."

12. It was the opinion of the Governor General (Lord Dalhousie), and of the members of his Government, in 1856, that it would be expedient to fix a prospective limit to the existence of the Mysore family, as a stipendiary class, by declaring that no provision should be made for the maintenance of the descendants of Hyder Ali and Tippoo Sultan beyond the fourth generation; but the Court of Directors declined to sanction this arbitrary limitation, and, in a Despatch, dated the 2d of January 1857, they observed: " You have rightly understood our desire to extinguish gradually the system by which the descendants of the Sultan of Mysore have been maintained as a separate race, specially endowed by the British Government, and to see the entire family eventually amalgamated with the general mass of the population of India. But this end, however desirable, is not to be precipitately attained. It is incumbent upon us, in all our arrangements with this family, and with others placed in a similar position, to bear steadily in view that it would not be in accordance with that just and liberal policy which should actuate all our proceedings towards the deposed princes of India to allow considerations, either of financial expediency or social economy, to induce us to make such sudden changes in an existing system as cannot fail to be attended with suffering and possible degradation to those who have hitherto been entirely dependent on our Government for support."

13. It is probable that, but for the disastrous events that occurred shortly after the receipt by your Lordship's Government of this Despatch, the question of the best means of carrying out the long-cherished idea of extinguishing by some measure, equally politic and humane, the exclusive character of this stipendiary class, with all the attendant evils of the system, would have been taken into consideration at an earlier period. When, therefore, in the spring of 1859, Prince Gholam Mahomed again visited England, and invited my attention to the affairs of his family, I considered that the opportunity was a good one for the final settlement of a continually recurring question, and the practical realisation of a design, the advantages of which had been fully acknowledged and insisted upon by successive Governments, both in India and in England.

14. There is no one more ready than myself to admit the full force of the principle laid down in your Lordship's Minute, that the princes and chiefs of India should not be taught to look beyond the representative of Her Majesty in India for the adjustment of their claims upon the British Government, and that, as a general rule, all communications with them should be made through the Government of India. It is my desire to strengthen and not to weaken the influence and authority of the viceroy. But there were special reasons which, on

on the recent occasion of Prince Gholam Mahomed's visit to England, induced me to follow the course which I adopted. The question to be solved had frequently been discussed before. It was not probable that any new light would be thrown upon it by protracted deliberation either in India or in England. The expediency of adopting some measure for the eventual absorption of the Mysore stipendiaries into the general mass of the people had been frequently recognised by both Governments. On this point, indeed, there had never been raised a single dissentient voice. To have made a reference on the general question to your Lordship's Government would have been superfluous. To have invited your consideration to the details of a scheme for the furtherance of the object would have occasioned inconvenient delay. It had been laid down as a principle that, before giving effect to any project of this kind, the wishes of the leading members of the family should be ascertained. The presence of the head of the family in England afforded me an opportunity, which I considered that it would be unwise to neglect, of ascertaining not only the views and wishes of the prince himself, but also of the numerous members of the family, in whose name he stated that he felt himself authorised to speak with the fullest confidence. Accordingly I entered into communication with the prince on the subject of a scheme for the gradual extinction of the family as a stipendiary class, which appeared to fulfil all the conditions desired both by Government and the family themselves.

15. When, on previous occasions, the expediency of extinguishing the exclusive character of the Mysore family, as a race of Government stipendiaries, looking for their subsistence only to the periodical payment of their pensions, had been considered, the idea of providing suitable employment for them had been prominent in the minds both of the Indian and the Home Governments. But there were difficulties in the way of the realisation of this design not easily to be overcome. Early habits and social prejudices, too deeply rooted to be eradicated by any hopes of official preferment, opposed themselves to the fulfilment of such a scheme. Under the most favourable circumstances, very many years must have elapsed before we could have hoped to see even the first promise of its eventual accomplishment; and, at best, such a system could only be applied in a few exceptional cases. But it was equally advantageous to the interests of the Government, and of the stipendiaries themselves, to bring the affairs of the whole Mysore family to a speedy and definitive settlement, and to place their relations with the British Government on a permanent footing. I, therefore, was under the necessity of looking to some other means of promoting the object in view.

16. There was, indeed, but one other mode in which the desired object could be attained; namely, by placing the family in possession of permanent property to be handed down from generation to generation. This might have been done either by making to them grants of land, or by settling upon them certain sums of money secured in the public funds. In the former case, whilst there would have been an equal alienation of revenue, there would have been considerable risk of mismanagement and loss by men not fitted by the habits and experience of their lives for successfully administering landed property. I decided, therefore, upon the latter course, and determined to create a certain amount of capital stock in the Four per Cent. Loan, to form a perpetual endowment for the family, the interest whereof should be disbursed to existing incumbents during their lives, in lieu of a portion of their stipends. The scale of hereditary endowment I fixed at the amounts respectively of 600 *l.* a year for the grandsons of Tippoo Sultan and their families, and of 240 *l.* a year for the fatherless great-grandsons and their families; the gross annual income being 17,160 *l.*, and the amount of capital stock to be created for the purpose being 429,000 *l.*

17. In a financial point of view, this scheme, which, after the deaths of existing incumbents, would limit to little more than 17,000 *l.* per annum the gross annual amount payable to the descendants of Hyder Ali and Tippoo Sultan, estimated for the present year at about 60,000 *l.* and would leave you in possession of revenues to the value of 70,000 *l.* per annum, originally set apart to provide for the maintenance of the family, presented ulterior advantages more than sufficient to justify some present sacrifice of revenue. But it

was not purely a financial question. It was recommended by many considerations both of political expediency, on the side of Government, and of humanity towards a large number of privileged persons possessing undoubted claims on our sympathy and liberality. Whilst it was calculated to relieve the Government from the continually recurring, and often embarrassing, necessity of hearing fresh appeals from the family, and making, under repeatedly varying circumstances, new provisions for them, it freed the elder members from all uncertainty with respect to the position of their descendants, and afforded inducements to the younger to qualify themselves for a more independent mode of life than that to which their previous circumstances could have encouraged them to look forward. The advantages of the scheme, both social and political, indeed, were so many and so great that, when I was apprised of Prince Gholam Mahomed's willingness, on the part of the family, to accept it, with certain supplementary arrangements, I thought it right to make some addition to the scheme, so as to ensure the accomplishment of the plan.

18. Your Lordship will perceive that the mere capitalisation of existing stipends, in whole or in part, for the benefit of posterity, would have been little inducement to present incumbents to accept the proposed terms; but coupling it with some immediate increase of those stipends for their lives, a boon which Prince Gholam Mahomed, whilst asking nothing for himself, earnestly solicited for them, on the score of the distressed condition of many members of the family, I had no doubt of the willingness of the principal members to accept the proposal.

19. I therefore consented to raise the stipends of the grandsons of Tippoo Sultan from 720 *l.* to 1,200 *l.* per annum, of which one-half was to be a personal allowance terminable with their lives, and the other half to be paid to them as interest on the capital stock funded for their families. At the same time, I raised the stipends of the existing great-grandsons (being heads of families) from 240 *l.* to 360 *l.* per annum, of which one-third was to be considered as a personal allowance, terminable with their lives. The increased temporary charge upon your revenues on these accounts is little more than 12,000 *l.* per annum, to be continued during the lives of certain members of the family, many of whom are of advanced age, and two of whom have, indeed, since died.

20. I need not observe to your Excellency that any scheme for the fusion of the Mysore family into the general community of India would have been rendered nugatory, if they had still been permitted to cling to their old settlement at Russapugla. I, therefore, desired to hold out some inducement to the several members of the family to quit that place, and, further, to remove all impediments to their departure from Calcutta. As it was represented to me that many members of the family were encumbered with debt, it was plain that these objects could only be attained by making to them an immediate advance of money. I therefore thought it right that cash payments should be made to them (on the scale mentioned in the 9th and 10th paragraphs of my Despatch of the 11th of June), amounting in all to 83,000 *l.*; and, whilst I regret the necessity of making this demand upon your Government, at a time of financial pressure, I am satisfied that the advantages of the measure as a whole, both in relation to immediate and to ulterior results, will amply compensate for any inconvenience which it might for a time occasion.

21. Taking a general review of the financial results of these several arrangements, it appears that your Government has been called upon to make present cash payments to the Mysore family to the extent of 83,000 *l.*; to pay in stipends, terminable with the lives of present incumbents, many of whom (and those in receipt of the largest allowances) are far advanced in years, about 12,000 *l.* per annum, in addition to the sums previously paid; and to create stock bearing interest at four per cent., sufficient to yield a gross annual income of 17,160 *l.*, such annual interest being paid to existing stipendiaries in lieu of a part of their pensions, and, after their deaths, forming a permanent provision for the family, in discharge of all demands upon the British Government, present and prospective.

22. When I review all the circumstances of British relations with the families of

of Hyder Ali and Tippoo Sultan, from the time of the conquest of Mysore; when I advert to the terms of the treaty of 1799; to the revenues of the territory assigned for the maintenance of the family; when I consider the intentions of the framers of the treaty, the recorded opinions of Lord Wellesley, and especially of the Duke of Wellington, who remonstrated against the illiberal manner in which effect was given to a treaty which he had helped to negotiate; when I refer to the accounts of the "Appropriated Mysore Deposit Fund," and know that in the year 1806, when neither of the contingencies contemplated in the treaty as grounds for a reduction of the payments to the family had occurred, there were accumulations to the credit of the fund greater than the amount which I have ordered to be distributed among existing members of the family; when I consider that since that time the sums actually paid to the descendants of Hyder Ali and Tippoo Sultan fall short of those specified in the treaty, by a larger amount than that which I have ordered to be capitalised as a permanent provision for the family; that the annual amount now paid to existing incumbents is below that stated in the treaty; and that, on the death of these incumbents, many of whom are of advanced age, the territories assigned for the maintenance of the family will remain to the British Government, in perpetuity, free from all charge or incumbrance; and when I bear in mind the claims of a body of men descended from a sovereign prince, to generous sympathy and beneficent treatment, and the benefits which they will derive from being placed in a position of honourable independence, I cannot think that the demands of justice and humanity would have been satisfied by any less liberal arrangement than that which has been directed by Her Majesty's Government.

I have, &c.
(signed) *Charles Wood.*

DISSENT by Colonel *H. M. Durand*, C.B.

4 February 1861.

I DISSENT from the Despatch in reply to Letter No. 116 of the 1st September 1860, from the Governor General in Council.

1. Because, there was no special reason for waiving, in favour of Prince Gholam Mahomed, the customary authority of Her Majesty's Viceroy; on the contrary, in addition to the state policy which has hitherto been careful to subordinate the chiefs of India to the Governor General, there was an urgent reason at a time when the Viceroy felt compelled to impose a novel and unpopular income tax, that no considerable permanent charge on the revenues of India should be made, independently of his authority, in favour of a family having no meritorious claims on the British or Indian Governments.

2. Because the question of again considerably increasing the stipends of the Mysore family, and of creating a large amount of capital stock, with the view of establishing a capitalised perpetual endowment for the family, does not appear to have been before discussed; and after the favourable settlements made in 1855 and 1857, no inconvenience whatever could have arisen from the delay that would have been caused by consulting the Governor General. His Lordship's Despatch proves, that had reference been made, new light would have been thrown upon the state of the family, and the general advisability of the measure.

3. Because the creation of a perpetual endowment as a scheme for the gradual extinction of the Mysore family as stipendiaries, is as inconsistent with this ostensible object as such a foretold result is contrary to the feelings and habits of the natives of India, and to experience.

4. Because, the supplementary demand immediately made by Prince Gholam Mahomed, and so liberally conceded without reference to the Governor General in Council, forms a sufficient comment on the assumed finality of the measure in case of fresh appeals to Government from the family, any member of which may, at any time, truly allege that no credentials, as their agent, were ever exhibited by Prince Gholam Mahomed.

5. Because it was inexpedient, by direct action on the representations of Prince Gholam Mahomed, practically to give the sanction of the Home authorities to the pretentious claims advanced by Prince Gholam Mahomed; claims never admitted by the Viceroy or by any former Governor General of India, as having, under the Partition Treaty with the Nizam, any validity; the establishment of a perpetual hereditary endowment in favour of the Mysore family being in fact contrary to the letter and instructions of the treaty.

6. Because a lavish grant to the Mysore family, at the time it was ordered, could not do otherwise than tarnish the value of such rewards, as it was in the power of the Governor General to confer on chiefs, whose active loyalty and good services had merited distinction; and was certain to evoke universal discontent on the part of those suffering under the goad of an income tax, and aware that the additional charge for the Mysore family was a real burthen on the State, the Mysore Deposit Fund having been nothing but a book account to show the expenditure upon the Mysore family, and any argument based on the former existence of the deposit fund a fallacy.

7. Because no words are too strong to express the impolicy of putting it in the power of any native chief to return to India, and to behave in the manner ascribed to Prince Gholam Mahomed by the Governor General of India. The dignity and the authority of Her Majesty's Viceroy cannot be thus lowered, without detriment to the influence of Her Majesty's representative, and to the subordination of the chiefs and people of India to the Queen's Government.

(signed) *H. M. Durand.*

DISSENT by Sir *Henry Montgomery.*

8 February 1861.

I CANNOT be a party to the proposed Despatch to the Government of India vindicating the course pursued by the Secretary of State in Council in directing the augmentation of the allowances of the families of Hyder Ali and Tippoo, and the continuance of a large permanent charge of more than 20,000 *l.* per annum on the revenues of India for their support.

In a dissent I recorded on the 19th March 1860, I based my objections to the then proposed grant on the ground that the descendants of the family were already in possession of the suitable maintenance to which alone they laid claim, that augmentation of their allowances was not called for by the demands of justice or policy, and that it was the more objectionable at a period of remarkable financial difficulty.

The Despatch now addressed to the Governor General combats the opinions which Lord Canning and the members of his Council have recorded in opposition to the course taken by the Secretary of State, and the arguments used are founded on the assertion that the treaties of 1799 conferred rights of support in perpetuity from the revenues, in favour of the descendants of the Mysore Princes.

I have again carefully examined these treaties, and the official correspondence explanatory of them, and I maintain that so far from admitting of this construction, they afford clear and unequivocal declarations of the intentions of the framers of vesting in the Government the complete right, if not the duty, of discontinuing, diminishing, or suspending the stipends then assigned to the existing members of the family on the occurrence of the decease of any of them, and that it was never contemplated that "the more magnificent maintenance than either had enjoyed during the late reign" should be bestowed on the families of Hyder Ali and Tippoo Khan in perpetuity, or that they should be treated differently from the principal Mahomedan officers and chiefs of the State for whom Lord Mornington determined "to provide with the same liberality."

In the 1st Article of the Treaty of Mysore ratified by the Governor General in Council on the 26th June 1799, after declaring the incorporation for ever with the dominions of the English East India Company of the districts specified in the Schedule thereto annexed: "The said Company Behadur engage to provide out of the revenues of the said districts for the suitable maintenance

tenance of the whole of the families of the late Hyder Khan and Tippoo Sultan, and to apply to this purpose, *with the reservation hereinafter stated*, an annual sum of not less than two lacs of star pagodas," and this reservation forms the special subject of Article 6, as follows: "The English East India Company Behadur shall be at liberty to make such *deductions from time to time* from the sums allotted by the 1st Article of the present Treaty for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan *as may be proper in consequence of the decease of any member of the said families*, or in the event of any hostile attempt on the part of the said family, or of any member of it, against the authority of the contracting parties, or against the peace of their respective dominions, or the territory of the Rajah of Mysore; then the said English East India Company shall be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend hereinbefore stipulated, to be applied to the maintenance and support of the said families."

But to render the views and intentions of the Governor General still more explicit on this point, the 1st Article of the separate treaty concluded with the Nizam on the 22d June 1799, is as follows: "With a view to the prevention of future altercations, it is agreed between his Highness the Nabob Nizam ud Dowlah Asoph Jah Bahadur, and the Honourable English East India Company Behadur, that to whatever amount the stipends appropriated to the maintenance of the sons, relations, and dependents of the late Hyder Ali Khan, and Tippoo Sultan, or the personal jaghire of Meer Kummerud Deen Khan *shall hereafter be diminished in consequence of any one of the stipulations of the Treaty of Mysore*, the contracting parties shall not be accountable to each other on this head."

And in addressing the Commissioners for the Affairs of Mysore, on the 8th June 1799, Lord Mornington thus explains the object of introducing into the treaties then pending Articles expressly embodying his views:* "The 10th and 11th Articles," he says, "are absolutely necessary for the security of the Company against any contingent increase in the expense of maintaining Tippoo's family, as well as against any possible misconduct in any of its branches. The Nizam may, perhaps, require (under the principle assumed to justify us in taking a larger share of territory than is assigned to him) that in the event of *any diminution of the expense of maintaining Tippoo's family*, the amount of the saving should be paid over to his Highness, but this clause is satisfied by the 10th Article, which exempts his Highness from any charge on account of any contingent increase of expense on the same head."

* *Vide* Lord Mornington's Despatch to Honourable Court of Directors, 3d August 1799:—

"These considerations induced me to adopt the resolution of preferring the descendants of the Rajah of Mysore to the heir of Tippoo Sultan."

"I determined at the same time to grant to the families of Hyder Ali and Tippoo Sultan a more magnificent maintenance than either had enjoyed during the late reign, and to provide with the same liberality for the principal Mahomedan officers and chiefs of the State, who had survived the Sultan, and for the families of all those who had fallen in the course of the war."

Again, in the letter of 30th June 1799, when this claim was actually put forward by the Nizam (thereby showing his Highness's understanding of it), Lord Mornington referring to and explaining the treaty as it was finally settled, addresses the Resident at Hyderabad in the following words: "The first and second Articles secure to the Nizam and to the Company shares of territory as nearly as is practicable of equal value, after deducting from each the charges for which they have reciprocally engaged to provide on account of the maintenance of the families of Hyder Ali Khan and Tippoo Sultan, and although on account of the jagheer of Meerkummed Deen, it may be observed on the part of the Nizam that, *under the power reserved to the Company in the 6th Article*, the Company may derive a greater benefit from its share of territory than that which now appears upon the face of the treaty, *because the Company having reserved the power in certain contingencies of diminishing the allowances of the deposed family*, is not to be accountable to the Nizam for any such contingent advantage, on the other hand, it is apparent that the Nizam will be entitled to similar advantages with regard to the jaghire of Cummerud Deen, which his Highness, under his rights of sovereignty over Cummerud Deen, will at any time possess the power of limiting or suspending, although no such power be expressly reserved in the treaty. His Highness also is exempt from the charge of any contingent increase in the expense of maintaining the deposed family, a contingency by no means improbable. Meer Allum having objected to the operation of the 6th Article, I offered on the part of the Company to

render annually to the Nizam an account of the expense of maintaining the deposed family, *and to divide equally with his Highness any contingent saving within the sum stipulated by the treaty for their annual maintenance*, provided his Highness would consent to pay one-half of any eventual excess beyond the stipulated sum. Meer Allum declined this equitable proposal, and agreed to the Articles in their present form."

It is not therefore correct to refer to the recorded opinions of Lord Wellesley as favouring the interpretation of the treaty placed on it in the draft Despatch, for both the spirit and the words convey an exactly opposite meaning, and I may add that the remonstrance of the Duke of Wellington, of which prominent notice is taken in the Despatch, had reference to the claims of the then existing stipendiaries, and is not applicable to the pretensions of the present and future generations of the family.

If, then, such is the right construction of the treaties and correspondence appertaining to them, it is equally incorrect to assert that the scheme is an advantageous one to India "in a financial point of view," for it imposes on its revenues a permanent annual burthen of upwards of 20,000 *l.*, which the people are neither in justice or in good faith bound to provide. Neither can I acquiesce in the reasons assigned in the draft for the present augmentation of 12,000 *l.* per annum to the stipend of existing incumbents. Such an inducement was not necessary to secure the acceptance of terms which, without it, were manifestly far more favourable to the stipendiaries than they had asked or expected.

Perceiving the disposition to succumb to his importunities, Prince Gholam Mahomed raised his demands, and every concession brought further claims. Even after having succeeded in obtaining these enormous grants, he sought payment of the expenses of his return to Calcutta, and exemption for himself and co-stipendiaries from the operation of the income tax.

I have on a former occasion referred to the sufficiency of the stipends allotted to existing members of this family by the late Court of Directors, on a full revision of their position so lately as 1855 and 1857, which was intended, and at the time was understood to be a final settlement, and to the liberality so frequently denied to more deserving objects in the ranks of our own friends and servants, which has now been displayed in such exuberance by an augmentation, in a time of heavy pressure on our resources, in favour of the descendants of our implacable enemies. In the justness of the decision of the Honourable Court, the present Secretary of State, then President of the Board of Control, stated his full concurrence; and I am unable to perceive any new facts or arguments since brought forward to induce the present entire change of views.

The elaborate defence of the measures which have elicited from the Supreme Government in India the strong expression of the embarrassment they have caused, fails to impress me with any other opinion regarding them than that I have already recorded, and quote in the margin,* and I foresee that the course followed in this instance, will be the forerunner of demands for a like revision of questions disposed of by the former governing authorities, and will encourage the revival of claims, which with the precedent now afforded it will not be easy to deny.

(signed) *H. C. Montgomery.*

* Extract from Dissent, 19th March 1860 :—
"That it is a profuse and lavish expenditure of the resources of the State, affecting both the present and the future, which, as the guardians of the revenues of India, we are not justified in authorising, especially in times of great financial difficulty, and in opposition to the opinions of the present and late Governors General."

I CONCUR in this further exposition of the grounds on which I have dissented from the Mysore grant, as it is now designated.

(signed) *J. P. Willoughby.*

ACCOUNT of the RECEIPTS and EXPENDITURE of the "APPROPRIATED MYSORE DEPOSIT FUND," and of DISBURSEMENTS on Account of the Families of *Hyder Ali* and *Tippoo Sultan*; MINUTE of Lord *Minto*, dated 19 October 1807; MEMORIALS from Prince *Gholam Mahomed*, in 1852, and subsequent Years; DESPATCHES from the Court of Directors of the East India Company, and Minutes of Lord *Dalhousie* and other Members of the Indian Government on the above subject; &c.

(*Mr. Wyld.*)

Ordered, by The House of Commons, *to be Printed,*
19 *February* 1861.

[*Price* 1 *s.* 4 *d.*]

44.

Under 16 *oz.*

RETURN to an Address of the Honourable The House of Commons, dated 3 May 1861;—*for*,

"COPIES of all the TREATIES and AGREEMENTS entered into between the East India Company or the Government of *India*, and their Highnesses the Nawaubs of the *Carnatic*, from and inclusive of the Treaty dated the 23d day of February 1768:"

"Of SUNNUDS obtained by the Company from the Nawaubs of the *Carnatic*:"

"Of ROYAL FIRMANS of the Emperor of Delhi in favour of *Mahomed Ali*, Nawaub of the *Carnatic*:"

"Of SUNNUDS and Discharges granted by the Soubahdar of the Deccan in favour of the Company or of *Mahomed Ali*, in relation to the Carnatic:"

"Of all DESPATCHES and other DOCUMENTS of the Governments of *Madras*, of *Calcutta*, and of the Honourable the Court of Directors of the East India Company, and of any Officers connected with any of the said Governments and Company and of Her Majesty's Government, in any way relating to or affecting the Rights and Dignities of the Nawaubs of the *Carnatic* and Soubahdars of *Arcot*, and of His Highness *Azeem Jah*, now claiming such rights and Dignities, excepting so much of the said Documents as have been printed by Order of The House of Commons, on the 17th day of April last."

Note.—Most of the documents enumerated above have already been presented to and printed by Order of The House of Commons, No. 175, Session 1803, "Carnatic Affairs."

India Office,
24 May 1861.

J. W. KAYE,
Secretary in Political Department.

(*Mr. Layard.*)

Ordered, by The House of Commons, *to be Printed*,
27 *May* 1861.

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PAPERS RELATING TO THE NAWAUBS OF THE CARNATIC.

EXTRACT Fort St. George, Political Diary to Consultation, 21st April 1857.

Received the following Letter:

(No. 87, of G. A.)

From Surgeon *E. G. Balfour*, Government Agent at Chepauk, to *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George, dated 4 April 1857. No. 28.

Sir,

I HAVE the honour to subjoin copy of a letter from his Highness Prince Azeem Jah Bahadoor, requesting me to forward the documents herewith enclosed, which I now do for the orders of Government.

I have, &c.
(signed) *E. G. Balfour.*

HIS Highness the Prince Azeem Jah Bahadoor presents his compliments to the Government Agent at Chepauk, and begs to enclose two khureetas, one to the address of the Right Honourable Lord Canning, the Governor General of India in Council, and the other to the Right Honourable Lord Harris, the Governor in Council of Fort St. George, and requests that the Government Agent will be pleased to submit those khureetas to the Madras Government, and the copy of those letters herewith enclosed may be perused by the Government Agent.

(signed) In Persian.
Shady Mahel, 3 April 1857. Prince *Azeem Jah.*

To the Right Honourable *George Francis Robert* Lord *Harris*, Governor in Council, Fort St. George.

My Lord,

I HAVE the honour to transmit to your Lordship the accompanying letter to the address of the Right Honourable Lord Canning, the Governor General of India in Council, a copy of which to your Lordship's perusal, and request your Lordship will be pleased to submit the same with your Lordship's kind support. *Sic orig.*

I have, &c.
(signed) In Persian.
Shady Mahel, 3 April 1857. Prince *Azeem Jah.*

To the Right Honourable Lord *Canning*, Governor General of India in Council, Fort William.

My Lord,

I, THE Prince Azeem Jah Bahadoor, son of his Highness the late Azeemood Dowlah Bahadoor, Nawaub of the Carnatic, beg to offer my respectful and friendly compliments to your Lordship, and to request your Lordship will be pleased to take the following circumstances into your Lordship's favourable consideration:—

That in the perusal of Extract Minutes of Consultation of the Madras Government, dated the 19th February 1857, I regret to learn that my allowance has been fixed at the rate of one lack of rupees per annum, commencing the 8th October 1855, which allowance I would not accept, nor would I approve of

their settlement, as I consider this to be the best opportunity for my bringing to your Lordship's kind notice the tenor of the treaty concluded between my father the said Nawaub Azeemood Dowlah Bahadoor, and the British Government, on the 31st July 1801, from which your Lordship will perceive that my father has surrendered his territories to the Honourable East India Company, according to the terms therein set forth; and it is also clear, from the conditions of the said treaty, that one-fifth share of the net revenue is to be continued upon permanent basis in all times to come for the maintenance and support of the Nawaub and of his own immediate family.

According to the terms of the said treaty, the British Government took possession of the said territories from the said Nawaub. He, having been the legal heir to the Musnud of the Carnatic, his territories were assigned to the British Government by him; if he had not been the legal heir, the British Government would not have made a proposal to him to make them over to them. From the first article of the treaty of 1801, it will be seen that the said Nawaub Azeemood Dowlah Bahadoor was formally established in the state and rank, with the dignities dependent thereon, of his ancestors.

The sentiments contained in the said Extract Minutes of Consultation and in the letter of the Government Agent, of date 7th February 1857, induce me to believe that para. 10 of a general letter from the Honourable the Court of Directors in Political Department, under date the 14th January 1829 (in which my recognition as next heir to the Musnud was established in the following words: "the Nawaub being an infant and in delicate health, and the Naibi Mooktar being the next heir in case of his demise") has been entirely lost sight of; this oversight has been productive of great injustice in my case.

The meaning of the word next heir in this para. is not to be construed in light of an heir to the effects of the said Nawaub, but only to succession to the Musnud in case of his demise.

Had it been the real intention of the British Government that I should succeed to the inheritance of his Highness' property alone, the words used in the said para. would have stood in a different style. If the succession related only to the property, the simple name Ghoolam Mahommed Ghouse Khan Bahadoor would have been mentioned in place of the Royal title Nawaub, and my succession should consequently be to the Musnud, but not to the property alone.

In accordance with the provisions of the former and the last treaties, concluded between my ancestors and the British Government, I must be recognised as the successor, being myself the next heir to the Musnud; his recognition is acknowledged by the Honourable Court of Directors in the letter above quoted, inasmuch as I shall have to succeed to the Musnud if it become vacant by the death of the Nawaub, my nephew. This resolution of the Court of Directors is approved of by Madras Government in their proceedings, dated 29th September 1843, copy of which is given in the margin.*

In my memorial to the Court of Directors, dated the 24th November 1855, forwarded to them through the Madras Government, I have represented my rights and title to the vacant Musnud, referring to the treaties and the letters of correspondence above cited in support of my claim. As I trust that a copy of this memorial may have been forwarded to the Supreme Government, I beseech your Lordship will kindly peruse it in reference to this application of mine.

I regret very much to learn that the Government have fixed for the support and maintenance of the relations and dependents, &c., of the deceased Nawaub a sum

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* 29 September 1843.—"The Most Noble the Governor in Council is of opinion that the individuals named in the margin have no claim to the privilege of exemption from the jurisdiction of the Supreme Court, and accordingly directs that their names be struck out of the lists received with the foregoing communication. His Lordship in Council observes that his Highness the Prince Azeem Jah Bahadoor, the late Naibi Mooktar, does not hold the place in list No. 1, to which he is entitled, in consideration of the position he lately occupied, in communication with British Government, and of that which he still holds in relation to his Highness the Nawaub, and to his succession to the Musnud. It is therefore resolved that the name of Prince Azeem Jah Bahadoor be placed first in the list of male relations of his Highness the Nawaub; in other respects, with the exceptions above recorded, the revised lists proposed by his Highness the Nawaub of the Carnatic appear to require no modification."

a sum of 5,89,108 rupees in the shape of salaries, deducting the same from the amount of the one-fifth share of the revenues of the Carnatic, and the remainder they have resolved to pay in liquidation of the heaviest debts left unadjusted by the late Nawaub. By this arrangement the Government could not, for many years, derive any profit from the one fifth share of the revenue, but their depriving me who am the legal heir, of the Musnud and of the rank and dignity thereunto appertaining, will cast an everlasting blemish and stain upon the honour of the British Government.

In conclusion, I solicit your Lordship in Council will, upon attentive perusal of the foregoing circumstances, and in consideration of the good friendship, amity and alliance, which have been existing between my ancestors, myself, and the British Government, ordain matters in such a manner as would be best becoming my rank and dignity, and will also permit me to search for the missing thing in the place where it has been lost, by forwarding this my memorial to the Honourable Court of Directors, supported by your Lordship's strong recommendation.

I have, &c.
(signed) In Persian.
Shady Mahel, April 1857. Prince *Azeem Jah.*

(No. 295.)

No. 29. THE Government Agent at Chepauk will inform his Highness the Prince Azeem Jah Bahadoor that the two khureetas forwarded by him have been received, and that the one to the address of the Right Honourable the Governor General of India has been transmitted to his Lordship through the Secretary to the Government of India.

Fort St. George, 18 April 1857.

Sent the following Letter:

(No. 296.)

No. 30. From *T. Pycroft*, Esq., Chief Secretary to Government, to Secretary to Government of India; dated 18 April 1857.

Sir,

I AM directed by the Right Honourable the Governor in Council to transmit to you the accompanying khareeta from his Highness the Prince Azeem Jah Bahadoor, to the address of the Right Honourable the Governor General of India, on the subject of the allowance fixed for his maintenance, and his claim to succeed to the Musnud of the Carnatic.

2. I am desired at the same time to state that the Prince has been duly informed of the liberal allowance of one lac of rupees per annum assigned to him under the orders of the Supreme Government, and that payment of the same had been offered him in arrear, from the 8th October 1855, the date of his Highness the late Nawaub's decease; that the Prince had declined to receive it, his refusal being repeated in the present address; and that the Government Agent at Chepauk had therefore been instructed to inform him that the allowances fixed could be received by him monthly, but that if he neglected to sign the receipts, no arrears would be paid.

3. Prince Azeem Jah submitted to the Right Honourable the Governor of Madras a copy of the khareeta now transmitted; the Government has not observed in it anything which has not already come under the notice of the Honourable the Court of Directors and the Supreme Government.

I have, &c.
(signed) *T. Pycroft.*

EXTRACT Fort St. George Political Consultations, dated 8th December 1857.

To the Right Honourable Lord *Canning*, Governor General of India in Council, Fort William; dated Shady Mahel, 26 November 1857.

My Lord,

I, THE Prince Azeem Jah Bahadoor, beg to offer my respectful and friendly compliments to your Lordship, and trusting your Lordship's cordial benignity to remind your Lordship of my letter addressed to your Lordship, dated the 3d April last. I always remain a wellwisher of the British Government.

(signed) *Azeem Jah.*

No. 4.—From *G. F. Edmonstone*, Esq., Secretary to the Government of India, to *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George; dated Fort William, 13 May 1857, No. 2236.

Sir,

Foreign Department.

I HAVE the honour to acknowledge the receipt of your letter, dated the 18th ultimo, No. 296, forwarding a khureeta from the Prince Azeem Jah Bahadoor, to the address of the Governor General, on the subject of the allowance fixed for his maintenance, and his claim to succeed to the Musnud of the Carnatic.

2. In reply, I am directed by the Governor General in Council to state, that the resolution of the Government of India on this matter has been fully and finally approved by the Honourable the Court of Directors, and it may be sufficient to inform the Prince Azeem Jah, that the Supreme Government cannot discuss the merits of the case, or revoke the decision which has been passed. The Prince has memorialised the Honourable Court, and he may await their reply.

(signed) *G. F. Edmonstone.*

No. 5.—ORDER thereon, No. 1010; dated 2 December 1857.

THE Government Agent will inform Prince Azeem Jah Bahadoor, in reference to his address of the 26th ultimo, that a reply has been received from the Supreme Government to his khureeta to the Right Honourable the Governor General, under date the 3d April last. The Government of India decline to discuss the merits of his Highness' case, or to revoke the decision which has been passed. They observe that the Prince has memorialised the Honourable Court of Directors, and he may await their reply.

EXTRACT Political Letter from Fort St. George; dated 21 December, No. 5 of 1858.

Dated 7 July, No. 5 of 1858.

Review the proceedings of Government for winding up the affairs of the late Nawaub of the Carnatic, and communicate their observations and orders thereon.

Para. 4. WE have addressed the Government of India on the subject of paras. 5 and 6 of the Despatch respecting the grant of a larger stipend to Prince Azeem Jah Bahadoor; and we submit, for your Lordship's information, copies of the Minutes* severally recorded by us, and of the communications made to the Supreme Government in the matter. The Government of India having sanctioned the proposed increase of the stipend to one and a half lac of rupees per annum, we have informed the Prince, through the Chepauk Agent, that this amount is now at his disposal. His Highness, it will be seen from the Agent's letter of the 24th ultimo, has declined to accept the offer made to him.

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* Cons., 7 September 1858, Nos. 8 to 11. Cons., 14 September 1858, Nos. 36 to 38. Cons., 23 November 1858, Nos. 11 and 12. Cons., 21 December 1858, Nos. 11 and 12.

Fort St. George, Political Consultation, 7th September 1858.

No. 7.—DESPATCH from the Honourable the Court of Directors, dated 7 July, in the Political Department (No. 5 of 1858), Paras. 5 and 6.

No. 8.—MINUTE by the Honourable *W. Elliot*, Esq.; dated 25 August 1858.

I SHOULD have preferred the communication to the Government of India to have stood in the shape in which it was first draughted.* It will now, of course, be altered to meet the views of the Right honourable the President.

I feel it, however, to be due to myself, in conformity with the opinion expressed regarding Prince Azeem Jah on a former occasion (Minute,† 23d October 1857), to state that I see nothing in his behaviour which should induce the Government to withhold their ready assent to the proposition of the Honourable Court, or to hesitate in giving full effect to the Court's liberality, by paying the full amount of the allowance now proposed for him, with arrears.

I cordially concur in supporting the grant of the larger sum, both because it is more suited to the Prince's position, as the principal member of his family, and because a higher scale of allowance (1,44,000 rupees per annum) was assigned to his late mother, Saeed Oon Nissa Begum, and to the widow of the late Nawab. The conduct of the Prince, as far as I am aware, has been simply that of a man suffering under severe disappointment, and striving by legitimate applications in those quarters to which an appeal properly lay, to obtain redress.

There is no question that the Mahomedan population of Southern India shared largely in the excitement caused by the events of the past year; it would have been singular if they had not. Nor would it have been very surprising if many of them had taken an active and a hostile part, had the peace of the country been broken. No doubt the precautionary measures adopted by the Right honourable the President tended very materially to preserve tranquillity, and to restrain the evil designs of the ill-disposed. But I have no reason to believe that the Prince should be included in this number: on the contrary, all his proceedings have been marked by moderation, and by a retiring, submissive spirit. Notwithstanding the advice openly tendered by the public journals, recommending him to follow the example of the Tanjore Rani, and to have recourse to legal proceedings, he has contented himself with appealing to the authorities in India, and afterwards in England, in his endeavours to procure more favourable terms. In every point of view, I should greatly prefer therefore to see the boon now granted by the liberality of the Honourable Court bestowed in a frank and generous spirit. This could easily be done, consistently with the Right honourable the President's views, by conceding it as a work of consideration for the Prince personally, and without reference to the Mussulman population generally. The Court have probably felt that the quiet demeanour of the Mahomedans was owing to Azeem Jah's personal influence. Doubtless, his example has not been without its effect; but his weight with his fellow-countrymen is not great; and I feel confident that whatever evil counsels were debated in Triplicane, originated with persons over whom he had no influence, and with whose proceedings he was little acquainted.

(signed) *Walter Elliot.*

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* Confined to a simple recommendation, that on the grounds noticed by the Honourable Court, the Prince's stipend should be raised to the amount suggested, 1½ lac per annum, and offered to the Prince in arrears.

† Copy forwarded to the Government of India, with letter, dated 5th November 1857, No. 944.

No. 9.—Minute by the Honourable *W. A. Morehead*, Esq.; dated 26 August 1858.

I would communicate to the Court Lord Harris' opinion of the causes that chiefly tended to keep under control the Mahomedan residents of Triplicane.

I quite concur with Mr. Elliot, in thinking that the increase of allowances recommended by the Court should be, as far as this Government can act, accorded, with all arrears, to Prince Azeem Jah.

I make no comments on the previous acts of Government, but I strongly object to any proceedings being now adopted that may tend to counteract the present desire of the Court to ameliorate, in some degree, the position to which Prince Azeem Jah has been reduced.

(signed) *W. A. Morehead.*

No. 10.—Order thereon (No. 566); dated 1 September 1858.

Resolved, That the following letter be despatched:

To the Secretary to the Government of India.—(Here enter 1st September 1858.)

Resolved also, That in replying to the passages above recorded from the Honourable Court's Despatch, the Court be informed that the quiet conduct of the Mahomedan population, to which they have referred, was not the result of their own satisfaction with or attachment to the British Government, but was the result of the vigilance and display of power on the part of Government, and of the evident preparations made to suppress any hostile movement, which tended to intimidate and overawe them; and that had this determination not been thus manifested, there is no reason to suppose that they would have been so orderly.

(signed) *T. Pycroft.*

No. 11.—From *T. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George, to *C. Beadon*, Esq., Secretary to the Government of India, in the Foreign Department; dated 1 September 1858 (No. 567).

Sir,

In their Despatch to this Government, Political Department, No. 5 of 1858, 7th July, on the affairs of the Carnatic family, the Honourable the Court of Directors, paras 5 and 6 (for more convenient reference given in the margin), after noticing the stipend of one lac of rupees per annum which, at the instance of this Government,* had been assigned to Prince Azeem Jah Bahadoor, uncle of the late Nawab, authorize the stipend being raised to a lac and a half rupees per annum, if this Government should be inclined to think that such an increased allowance might with propriety be assigned to him for life, and should the Government of India concur in it.

Para. 5. To Prince Azeem Jah, in lieu of 48,000 rupees per annum, which he received from the late Nawab, one lac of rupees per annum has been assigned. This stipend the Prince has hitherto refused to receive, and you have informed him that, if he persists in his refusal, the stipend will not at any future period be paid to him in arrear.

Para. 6. Considering the high rank of the Prince, the influence of his name and position over the numerous Mahomedan population of Madras, the excellent conduct of that population during our recent difficulties, and considering also that the Prince was accustomed to receive not only 4,000 rupees per month from the Nawab, but 3,000 rupees per month from his mother, Saeed Oon Nissa Begum, making 84,000 rupees per annum, not much short of the lac of rupees which you have assigned to him; you may perhaps be inclined to think that a larger stipend, amounting perhaps to a lac and a half per annum, might with propriety be assigned to him for life. Should you be of this opinion, and should the Government of India concur in it, we authorise you to act on that opinion without further reference to us.

2. This Government, I am instructed to state, are not prepared to recommend that the Prince's stipend be augmented as proposed, on the considerations stated by the Honourable Court, viz., the excellent conduct of the Mahomedan population of Madras during the recent difficulties, in consequence of the influence exercised over them by

* To Government of India, Political Department, 17 June 1856, para. 5. From Government of India, 17 September 1856, para. 4.

by Prince Azeem Jah. They do not believe that the Prince did exert any influence for this object; and they are led to ascribe the quiet demeanor of the Mahomedan population not to any attachment on their part to our rule, but to the vigilance and display of power manifested by this Government, but for which, they would not have remained so orderly. The Governor in Council would be willing that the enhanced stipend should be granted to the Prince prospectively, not in consideration of his own good conduct, but as a mark of the liberality of Government. Prince Azeem Jah, however, it is to be remarked, has hitherto refused to receive the stipend, 1,00,000 rupees per annum, originally assigned him, and has been informed that if he persisted in his refusal, it would not at any future period be paid to him in arrear. The Governor in Council would not wish to press that resolution, but he is of opinion that if the stipend now authorized is allowed to be paid in arrear, the disbursal of the arrears should be contingent on application being made for them by the Prince, and that in a becoming manner. This Government would desire to be permitted to exercise their discretion in this respect.

3. I have to add that the above views are not fully assented to by all the Members of Government; and I have to request attention to the minutes which have been recorded on the subject by the Honourable Mr. W. Elliot and the Honourable Mr. Morehead.

(signed) *T. Pycroft.*

Fort St. George, Political Consultation, 14th September 1858.

No. 36.—MINUTE by the Right Honourable the President, dated 8th September 1858.

As the Minutes of Consultation have been written in accordance with my views as expressed in a letter from Mr. Bayley to the Chief Secretary, and as those views do not altogether agree with those of my honourable colleagues, I am desirous of recording my reasons for maintaining the opinion which I have expressed on another occasion respecting the conduct of the Prince Azim Jah; and I can do so the more readily because at a very early date in proceedings of Government in the affairs either of the Nabob or of the Rajah of Tanjore, I stated my desire would be to treat the heads of both families in the most liberal manner; as regards money, jewels, and titles, the only point on which I urged a stringent course of action was with respect to the anomaly of maintaining an *imperium in imperio*, Royal families without any power, but claiming the royalty, and permitted to keep up courts of law, whilst they were only subjects of the British Government, and should be required to submit to the ruling power.

When the allowance to the Prince Azim Jah was decided on, I was under the impression that it was sufficient, and it was only some time after the resolution had gone to Calcutta, that the Chepauk Agent informed me that he thought it too small.

So far as my opinion goes in the abstract, I would rather make the allowance two lacs than 1½ lacs, so far as appearance and good-will is concerned, not that I think it would make any difference in the prince's position, even if it were made 10 lacs, as I have little doubt he would soon be in debt, with any amount of allowance. I know not on what grounds the Honourable Court have been led to assert that the good conduct of the Mussulman population of Madras was influenced by the Prince Azim Jah; but I cannot but think that they have been in some degree misled. I regret exceedingly that any question should have been raised which could in any way lead to any appearance of parading the acts of this Government, during the existence of the troubles, but from all the information I was able to obtain, my opinion is, that the Mussulmen of Madras were as hostile to our rule as any others of their creed in India. We had many reasons to believe that they were in constant communication with the ill-disposed at Bangalore, Hyderabad, Kurnool, and Trichinopoly; at one time a considerable number endeavoured to get into the town from the neighbouring districts, fully armed; but on their being almost invariably stopped and disarmed by the

police, they gave up that plan. We knew of prayer meetings being held at the houses of two or three of their principal men, for the purpose of calling down the wrath of Heaven on the infidels, and success to the Mussulman arms. We know the tone of conversation of all classes of their population was most inimical.

The Commissioner of Police was authorised as soon as the outbreak at Meerut was known at Madras, to inform them that they would be subject to no ill-treatment, and allowed all their usual liberty, but that if they raised a finger they must take the consequences on their own heads, as there would be no child's play; and they were fully aware that preparations were made accordingly.

As to the influence of the Prince Azim Jah over them, I believe it to be little or nothing; what little there might be was caused more by a feeling of pity, because they were led to suppose that he was being ill-treated and kept out of his allowance by the Government; and this is the point on which I have already remarked in a Minute of the October 1857.

I must think the conduct of the Prince is subject to reprehension, the servants of his establishment were allowed to go about, begging, apparently in a state of starvation, and he himself was supposed to be equally ill-off.

The Chepauk Agent called on me to report this, and to state that he was fearful lest considerable excitement, if not worse, would ensue; the Commissioner of Police corroborated his statement, and the agent was desirous of ascertaining whether he should address Government on the subject.

I considered this course objectionable, and preferred that he should have a private interview with the prince, and should call his attention, that seeing what was occurring, his conduct in not drawing his allowance could not be considered friendly, inasmuch as a contrary course would in no way compromise him as to the claims he was urging; and moreover, as it was well known that his principal advisers were two men, one a Hindoo and the other a Mussulman, who were supposed to hold most hostile views to the British Government.

The Prince in no way changed his course of action after this communication; and I cannot think therefore that it would be politic or dignified for this Government to go, as it were, in search of a subject who manifested so little courtesy and consideration, at a time when it was manifest that it was of importance to keep down all excitement, and who would now most probably look upon the offer of an increased allowance merely as a bribe to induce him to give up his suit for the restoration of what he considers his rights; at the same time I am quite willing that this Government should obtain discretionary power on the point.

(signed) *Harris.*

No. 37.—Order thereon (No. 602), dated 14th September 1858.

Resolved, that copy of the above Minute be forwarded to the Government of India, in reference to the letter to their address, under date the 1st instant, and that the following letter be despatched.

(signed) *T. Pycroft,*
Chief Secretary.

No. 38.—From *T. Pycroft,* Esq., Chief Secretary to the Government of Fort St. George, to the Secretary to the Government of India, in the Foreign Department, Calcutta, dated 14th September 1858, No. 603.

With reference to my letter to your address, under date the 1st instant, No. 567, I am directed to forward to you, for submission to the Government of India, the accompanying copy of Minute, under date the 8th instant, recorded by the Right Honourable the Governor, on the subject of the proposed increase of stipend to Prince Azim Jah Bahadoor.

(signed) *T. Pycroft.*

Fort St. George, Political Consultation, 23 November 1858.

READ again paras. 5 and 6 of the Despatch from the Honourable the Court of Directors, dated 7th July (No. 5) of 1858.

Read also the following letter:

No. 11.—From *Cecil Beadon*, Esq., Officiating Secretary to the Government of India, to the Secretary to Government of Fort St. George; dated Fort William, the 29th October 1858, No. 3862.

Sir,

I AM directed to acknowledge the receipt of your two Despatches, dated the 1st and 4th September, Nos. 567 and 603, expressing the willingness of the Government of Madras that the stipend of the Prince Azeem Jah should be raised from 1 to 1½ lac of rupees, in conformity with the opinion expressed by the Honourable Court of Directors. Foreign Department.

2. In reply I am desired to state, that the Honourable the President in Council sanctions the proposed increase, leaving the question of arrears to be disposed of at the discretion of the Right Honourable the Governor in Council.

No. 12.—Order thereon (No. 757); dated 17th November 1858.

THE Government resolve to inform his Highness the Prince Azeem Jah Bahadoor, through the Chepauk Agent, that his stipend has been increased from one lac of rupees to one lac and a half per annum, and that this latter amount is now at his disposal.

(signed) *W. H. Bayley*,
Acting Secretary to Government.

Fort St. George, Political Consultation, 21 December 1858.

No. 11.—From Surgeon *E. G. Balfour*, Government Agent at Chepauk, to *W. H. Bayley*, Esq., Acting Secretary to Government, Fort St. George; dated 24th November 1858 (No. 1869 of G. A.)

Sir,

I HAVE the honour to enclose the reply which his Highness Prince Azeem Jah Bahadoor has sent to the communication which I addressed to his Highness, on receipt of Extract Minutes of Consultation, No. 757, dated 17th November 1858.

HIS Highness Azeem Jah Bahadoor presents his best compliments to Edward Balfour, Esq., the Government Agent at Chepauk, and in acknowledging the receipt of his communications of the 18th and 20th instant, his Highness requests that he will be pleased to mention to the Right Honourable the Governor of Madras in Council, that he declines to accept the offer therein contained. He, at the same time, regrets that he has not received the above communications accompanied by copies of the Minutes of Consultation, as usual.

His Highness further fully trusts that Her Most Gracious Majesty the Queen will be graciously pleased to do him only justice by restoring him to his legal rights.

(signed, in Persian) Prince *Azeem Jah.*

Shady Mahal, 23 May 1858.

No. 12.—Order thereon (No. 817); dated 17th December 1858.

RESOLVED, that the letter from his Highness Prince Azeem Jah, forwarded by the Government Agent, be communicated to the Secretary of State for India, in reference to the Despatch from the Honourable the Court of Directors, 7th July 1858, Political Department, No. 5, para. 6.

(signed) *T. Pycroft*, Chief Secretary.

From *Adam Burn*, Esq., to the Right Honourable Lord *Stanley*, Secretary of State for the Affairs of India.

14, Great Carter-lane, Doctors' Commons, E.C.,
17 November 1858.

My Lord,

As duly constituted attorney for his Highness Prince Azeem Jah Bahadoor, claiming to be Nawaub of the Carnatic and Subahdar of Arcot, I have respectfully to submit to the consideration of your Lordship the following state of matters relating to the rights, titles, and dignities of that Prince, from which your Lordship will see that an Act of the Legislative Council of India has been passed, which, if allowed to be carried into execution, will inflict a great wrong upon my constituent.

1. On 7th October 1855, his late Highness, Gholam Mahomed Ghouse Khan Bahadoor, Nawaub of the Carnatic and Soubahdar of Arcot, died without issue; Prince Azeem Jah, his uncle, and formerly regent during his minority, was thereupon entitled to succeed to his dignities. He was the direct descendant, being the second son of Azeem Ood Dowlah, former Nawaub of the Carnatic and Soubahdar of Arcot, with whom the last treaty with the Nawaubs, as independent princes and allies of the British Government, was, in 1801, entered into by the Honorable the East India Company. That Company, however, in pursuance of their policy of annexation, upon the occurrence of the death of the late Nawaub, refused to recognise Prince Azeem Jah's title to succeed, declaring the dignity of Nawaub of the Carnatic at an end, and, without any legitimate right, appropriated his revenues.

2. Azeem Jah, as an independent Prince, would, I believe, have been entitled to the dignities of the Nawaub independently of the Company (and the native Indians, his subjects, are most desirous his rights should be recognized), but he took the course of submitting his claims to the honourable consideration of the East India Company, with whom his ancestors had transacted.

3. In this application he has hitherto, I am sorry to say, been unsuccessful. The true reason of their adverse proceedings undoubtedly was, that of the supposed expediency of augmenting their revenues by the confiscation of his hereditary rights. The two reasons alleged in vindication of the usurpation will not bear the smallest investigation. The one was, that there was a failure of direct heirs, which assertion, if it had been any reason at all, was not consistent with fact. The other, that there was no express declaration in the last treaty with the Nawaub of its continuation to his successors. It will at the proper period be abundantly shown that under this treaty, which was formally proclaimed by the Government of India to be effectual "as long as the sun and moon shall endure," as well as under the former treaties, the rights of the successors of the Nawaubs were sufficiently recognised and secured. But the Company, in assigning such a reason, have entirely overlooked, in the first place, that any rights which they have in the Carnatic are, by virtue of the treaties with the Nawaubs, and that none of the treaties confer upon them the rights now usurped; and in the next place that, if the treaty in question has, as they allege, fallen as to one of the parties to it, it must have fallen as to both, and therefore that in place of Prince Azeem Jah being entitled merely to one-fifth of the revenues of the Carnatic, which is all that he claims, he would be entitled also to the remaining four-fifths, which were by the treaty made over to the Company, and to be reinstated in all the governing powers which were accorded to the Company by the treaty.

4. It was only within the last few months that Prince Azeem Jah received information of the refusal to recognise his claims, and seeing that it was in vain to expect an impartial judgment from the Company, he resolved at once to appeal to the Parliament of Great Britain, feeling assured that Parliament would not merely take into serious consideration a question affecting the honor of the nation, but would extend the same protection against injustice to a faithful ally as to the meanest subject of the Queen.

5. A petition was accordingly prepared and signed, and transmitted to this country to be presented to both Houses of Parliament. It arrived in the end of last July, but it was considered expedient, at that late period of the Session, not

not to present it, and the presentation was accordingly deferred till next Session, when I am hopeful that it will receive that consideration and support which it so justly deserves. I have the honor of enclosing a printed copy, and have respectfully to request your Lordship's perusal of it as containing a fuller statement of the case than I have presumed, or thought necessary in this letter to submit.

6. In this position of matters a Bill was, in the meantime, introduced into the Legislative Council of India at Calcutta, intituled, "A Bill for the Administration of the Estate, and for the Payment of the Debts of the late Nabob of the Carnatic," the practical effect of which was to appropriate the property belonging to Prince Azeem Jah as successor to the Nabobship of the Carnatic, to take out of his hands the arrangement and payment of the late Nabob's debts, and to confer upon the creditors unjustly (as it seems to me) rights and privileges which were not in the contemplation of parties at the time the debts were contracted, facts which are sufficiently apparent from the preamble of the Bill, to the very peculiar terms of which I would respectfully request your Lordship's attention.

7. Against this Bill, Prince Azeem Jah presented a petition, of which I take the liberty of also enclosing a copy. In this petition the petitioner set forth his rights and the treaties with the Company, and *inter alia*, "That besides the rights, titles, dignities and revenues so belonging to your petitioner, as Nawaub of the Carnatic, your petitioner, as the lawful heir and representative of the late Nawaub, has right to all his real and personal estate of whatever nature, and especially to the palaces at Chepauk and at Arcot, which belonged to the late Nawaub by rights acquired, independently of the said treaties; and your petitioner, as such heir and representative, and successor of the said Nawaub, is ready and willing upon the acknowledgment and restoration of his rights, titles, dignities, property and revenues belonging to him as such heir, representative and successor, to charge himself with, and undertake, the payment of all the just debts of the late Nawaub, and of all debts and charges lying and incumbent upon your petitioner, as such heir, representative and successor, payments which, on such recognition and restoration of your petitioner's rights, he will soon and readily be enabled to accomplish."

8. Thereafter, on the petitioner's application, leave was given to him to be heard by counsel upon the subject of the Bill, and on 7th August 1858, counsel on his behalf were heard. I take the liberty of sending herewith copies of "The Bengal Hurkaru and Indian Gazette" of dates the 9th, 10th, and 13th August 1858, which contain a full report of the discussion, and I have respectfully to refer your Lordship to those papers for what took place. Your Lordship will observe from them that the counsel for the petitioner put in an affidavit to the fact of the petitions to Parliament having been transmitted to Great Britain with instructions to have them presented to Parliament, whereby the refusal of the Court of Directors to recognise Prince Azeem Jah as successor to the Nabobship of the Carnatic was, he said, now before a tribunal higher than the Court and higher than the Legislative Council.

9. Notwithstanding that it was thus distinctly brought under the consideration of the Council, that Prince Azeem Jah had appealed for redress to Parliament, the Legislative Council altogether ignored this important fact, and proceeded to dispose of the matter upon the footing that, "The rejection of the claims set up by the present petitioner to the title of Nabob of the Carnatic, to a share in the revenues of the Carnatic, and consequently to that portion of the property left by the late Nabob, which was of the nature of State property or incidental to the dignity of Nabob was" (in the words of the Vice-President) "so far as this Council was concerned *un fait accompli*."

10. Notwithstanding, therefore, that the Bill in question was an extraordinary remedy; that its supporters even appeared to feel that it was contrary to the general law and usage, as undoubtedly it was; that it was calculated to inflict irreparable injury on Prince Azeem Jah; that it was desired to confer rights

on the creditors of the late Nawaub, which at lending to him had formed no part of the consideration, and that in any point of view the delay of a few months could not be prejudicial to their interests, the Legislative Council of India disregarded the opposition of the petitioner, and the Bill has now passed into law.

11. I beg leave to enclose to your Lordship a print of the Act of the Legislative Council, and the object of my present application is respectfully but earnestly to request your Lordship to take the circumstances into consideration, and to give instructions that the operation and execution of the above-mentioned Act, which (if effect be ultimately given to the claims of the petitioner, as from the clear justice of the case I have every confidence it will), would inflict on him a great and grievous irreparable wrong, shall be suspended for such a time as will give a fair opportunity for bringing the petition of Prince Azeem Jah under the full consideration of Parliament.

12. From the great importance of the case both on public and personal grounds, I trust your Lordship may be pleased to grant a conference to those acting in this country for Prince Azeem Jah, when any further explanation could be given which your Lordship might require.

I have, &c.
(signed) *Adam Burn.*

From *Adam Burn,* Esq., to *James Cosmo Melvill,* Esq.

14, Great Carter-lane, Doctors' Commons, London, E. C.,
Sir, 26 November 1858.

On the 17th instant, I addressed a letter to the Secretary of State for the Affairs of India, on behalf of his Highness Prince Azeem Jah Bahadoor, claiming to be Nawab of the Carnatic and Subahdar of Arcot, and at the same time I sent (with other papers), a copy of a petition of his Highness intended to be presented to the Imperial Parliament.

As the subject of my letter is one that involves the deepest interests of my constituent, and in which any unnecessary delay might be ruinous, I hope that I shall not be considered unreasonably urgent in respectfully soliciting the early attention of the Secretary of State to the letter and papers alluded to.

I have, &c.
(signed) *Adam Burn.*

From *James Cosmo Melvill,* Esq., to *Adam Burn,* Esq.

Sir, Indian Office, 15 December 1858.

I am desired by Lord Stanley, in reply to your letter of the 26th November last, to acquaint you that the former communication referred to by you has been received, and that the documents which accompanied it will receive his Lordship's early consideration in Council.

I have, &c.
(signed) *James Cosmo Melvill.*

From *Adam Burn,* Esq., to *James Cosmo Melvill,* Esq.

14, Great Carter-lane, Doctors' Commons, London, E. C.,
Sir, 21 December 1858.

I beg to acknowledge the receipt of your letter of the 15th instant, stating that my communication to Lord Stanley (forwarded on the 17th November last),

last), had been received, and that the documents which accompanied it would have his Lordship's early consideration in Council.

May I be permitted again to trouble you by representing that the ulterior proceedings in the business, connected with the claims of his Highness Prince Azeem Jah Bahadoor are much dependent on the answer to the letter I addressed to the Secretary of State for the Affairs of India, and therefore I would again respectfully venture to press the matter on his Lordship's attention.

I have, &c.
(signed) *Adam Burn.*

From *James Cosmo Melvill,* Esq., to *Adam Burn,* Esq.

Sir, East India House, 3 January 1859.

I AM directed by the Secretary of State for India to acknowledge your letter of the 21st December last, and in reply, to refer you to my communication of the 15th idem, in which you were informed that the case of Prince Azeem Jah was under his Lordship's consideration.

I am, &c.
(signed) *J. Cosmo Melvill.*

From *Adam Burn,* Esq., to the Right Honourable Sir *Charles Wood,* Bart., M.P., Secretary of State for India.

14, Great Carter-lane, Doctors' Commons, London, E. C.,
Sir, 30 December 1859.

As one of the attornies in this country of his Highness Prince Azeem Jah, I take the liberty of transmitting to you herewith, a printed copy of a petition to Parliament by his Highness, claiming to be Nawaub of the Carnatic, with printed copy of case in support thereof, and also an outline case which states the claim more shortly.

It is intended to present the petition in the ensuing Session, and in the meantime, I forward these documents to you, as Secretary of State for India, at this early period; and I trust that I may express the hope that you will be satisfied that in justice to his Highness, the matter is one deserving of inquiry.

I have, &c.
(signed) *Adam Burn.*

From *James Cosmo Melvill,* Esq., to *Adam Burn,* Esq.

Sir, India Office, 28 January 1860.

I AM directed by Secretary Sir Charles Wood, to acknowledge your letter of the 30th ultimo (received on the 14th instant), submitting copies of a petition with annexures, which it is the intention of Prince Azeem Jah to present to Parliament, and suggesting further inquiry into the Prince's case; in reply, I am to refer you to my letter on this subject, dated the 3d January 1859.

I am, &c.
(signed) *J. Cosmo Melvill.*

ACT No. XXX. of 1858.

Passed by the Legislative Council of India.—(Received the Assent of the Governor General on the 24th August 1858.)

An Act to provide for the Administration of the Estate, and for the Payment of the Debts of the late Nabob of the Carnatic.

Preamble.

Whereas by Act I. of 1844 it is enacted, that no writ or process shall at any time be sued forth or prosecuted against the person, goods, or property of his Highness the Nabob of the Carnatic, or of such other person as therein mentioned, unless such writ or process shall be so sued forth with the consent of the Governor in Council of Fort Saint George first had and obtained as therein mentioned; and that any writ or process which shall at any time be sued out or prosecuted against the person or goods or property of his Highness, or of any such person without such consent, shall be utterly null and void: And whereas the Nabob died, leaving debts and liabilities to a large amount unsatisfied, some of which were contracted by himself and some by Azeem Jah Bahadoor as Nabob, Regent, or Naib-i-Mooktar, during the infancy of the late Nabob: And whereas it is doubtful whether the creditors of the Nabob have, without the consent of the Governor in Council of Fort St. George, any remedy for enforcing their claims against the goods or property which belonged to the said Nabob at the time of his death; and especially whether any part of the property left by the said late Nabob, which was of the nature of state or public property, is liable for the payment of such claims: And whereas the East India Company is willing to give up any right which it has to any part of such property which is in the nature of state or public property, and to allow the whole property, moveable and immoveable, of whatever kind, left by the late Nabob, after appropriating to the payment of his debts such portion thereof as is liable to the payment thereof, to be applied towards making provision for the family and dependents of the late Nabob: And whereas the said East India Company is also willing to pay in full, to such of the creditors as shall be willing to accept the same, in the manner herein mentioned, all such debts as shall be proved to have been fairly and justly contracted by the said Nabob, or on his behalf during his infancy, by the said Azeem Jah as Nabob Regent, such debts to be estimated in respect of moneys at the amounts which may be proved to have been actually advanced or paid by such creditors respectively, and in respect of goods supplied, or other matters, at the amount which shall be proved to have been the fair and actual value thereof at the time when such debts were incurred, together with interest on such debts at a rate not exceeding six per centum per annum, the property of the said Nabob being applied in the first instance for that purpose, but any deficiency therein being made good by the said East India Company: And whereas the said Nabob is alleged to have mortgaged and created divers liens and securities upon certain portions of his property, of which, or some of which, the validity and extent of operation, especially as against the creditors of the said Nabob, is doubtful; and it may also be doubtful whether the same can be enforced in any of the ordinary courts of justice; and it is expedient that provision should be made for giving effect to the said mortgages, liens, and securities, so far as the same shall have been created *bonâ fide* and for valuable consideration, and for affording a simple mode of ascertaining the rights of the parties claiming under such mortgages, liens, and securities: And whereas it is also alleged that various conveyances, deeds, and instruments have been executed by the late Nabob without valuable consideration in favour of persons who have, under colour thereof, executed or created mortgages or assignments of, or securities or liens on the property comprised therein: And whereas it is expedient that provision should be made for investigating all such claims, and for protecting the *bonâ fide* creditors of the said Nabob from the effect of any conveyances executed by the Nabob under such circumstances as rendered them void as against such creditors, and for affording a simple mode of ascertaining the rights of the parties claiming in respect thereof, as well as of parties claiming to be creditors of the Nabob; it is enacted as follows:

I. The

Appointment of person, designated "Receiver of Carnatic property," to administer the estate.

I. The Governor in Council of Fort St. George shall, immediately after the passing of this Act, appoint such person as he may think fit to act under the orders of the Supreme Court of Judicature at Madras, in the administration of the property, of whatever nature, left by the said late Nabob. The person so appointed shall be designated "the Receiver of the Carnatic property," and shall have power to collect and take possession of all such property, and shall hold the same according to the provisions of this Act, and shall give such security (if any) as the said Governor in Council may require.

Remuneration of Receiver.

II. The said Receiver shall be entitled to receive such commission, not exceeding five per centum upon the amount of value of the property collected by and distributed under the provisions of this Act, as the said Governor in Council shall appoint, which commission shall be charged to the estate.

Suspension, removal, &c., of Receiver.

III. The Governor in Council shall have full power to suspend or remove any person appointed such Receiver as aforesaid, and also from time to time to fill up any vacancy in such office which may be occasioned by death, retirement, suspension, or removal.

Receiver to represent the estate in all proceedings.

IV. Such Receiver shall represent the estate of the said late Nabob in all proceedings relating thereto, under this Act or otherwise, and shall do and perform all acts in performance of his duties or office, under his official designation, and in all proceedings, whether at law or in equity, he shall be so styled and designated; and no proceedings in which the Receiver may be a party shall abate by reason of the death, retirement, suspension, or removal from office of any such Receiver, but the same shall be continued and carried on by his successor as if no such death, resignation, suspension, or removal had occurred.

Receiver to collect, sue for, and take possession of the property.

V. The Receiver shall have full power to collect, take possession of, and get in all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said late Nabob at the time of his death was entitled, either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob, and if necessary, to sue for and recover the same as representing the said estate of the said Nabob under this Act, and to realise by sale or otherwise the value of the said property; and he shall proceed to collect and take possession of the same, with all convenient speed, immediately after the passing of this Act.

Receiver selling immoveable property with the sanction of the Court, may execute conveyance thereof to purchaser.

Effect of such conveyance.

VI. Whenever the Receiver, by the order or with the sanction of the Court, shall sell any immoveable property to which the Nabob was entitled either at law or in equity at the time of his death, or which is liable either at law or in equity to satisfy the debts of the said late Nabob, he shall execute a conveyance thereof to the purchaser; and such conveyance shall be valid and effectual, and give a good title as against the heirs of the said Nabob, and all persons claiming under them, and also as against all persons claiming under the said Nabob by virtue of any conveyance or instrument declared by the said Court to be void as against the creditors of the said Nabob, or by virtue of any mortgage or security, the benefit of which has been barred under the provisions of this Act.

Upon a suit being instituted under this Act, Receiver to be subject to the orders of the Court.

VII. Upon a suit being instituted as hereinafter mentioned, the said Receiver shall be deemed subject to the orders of the said Court, and so far as such orders shall not extend, to the general practice of the said Court, in the same manner as any other Receiver specially appointed by the said Court, except that he shall not be called upon by the said Court to give security.

Suit for administration of estate.

Special directions to be given as to creditors holding mortgages or other securities.

VIII. It shall be lawful for any creditor or person interested in the proper administration of the estate and effects of the said Nabob to apply for and obtain in a summary way, in the manner provided by Act VI. of 1854, upon a summons to be served upon the said Receiver, an order for the administration of the estate and effects of the said Nabob; and such order, in addition to the ordinary directions contained in the usual order for the administration of the moveable and immoveable estate of a deceased Mahomedan, shall direct that all creditors who may hold any mortgage or security upon any part of the property mentioned in Section V. of this Act, shall come in and prove their claims, and establish their securities and the consideration for the same, or in default thereof that they shall be barred and excluded from all benefit of their said securities; and the said Court shall also by the said order give such directions as to the

notices to be issued to such creditors and otherwise, and shall direct such inquiries, as to the Court shall seem fit.

Accounts to be taken by the Court of the debts, property, and mortgages.

IX. Upon such orders being made, the Court shall take an account of all debts and liabilities which were due from the said Nabob at the time of his death, and also of all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said late Nabob at the time of his death was entitled, either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob; and shall also determine whether any and which of the said creditors had any and what mortgage or security upon any and what portion of the property of the said Nabob, and for any and what consideration or amount, and whether such mortgage or security constituted a valid charge upon the whole, or any and what portion of the property included therein.

Creditor or mortgagee not coming in to establish claim or mortgage, to be barred from all benefit thereof.

X. Every creditor of the said Nabob, who shall not come in and establish his claim under and according to the said order, shall be barred from all benefit of the said claim; and all persons who may hold or claim under any mortgage or security as aforesaid, who shall fail to come in and establish the same, and (if required by the Court so to do) to prove the consideration for the same, under and according to such order, shall be barred from all benefit of such mortgage or security; and the said Court may order the property affected thereby to be delivered up to the said Receiver.

Court may order a person claiming under a conveyance executed by the Nabob, under circumstances rendering the same void as against creditors, to come in and establish his claim.

XI. In case it shall appear to the satisfaction of the Court that there is good reason to believe that any conveyance or other instrument executed by the said late Nabob in his lifetime was executed under circumstances which rendered the same void as against creditors, the said Court may, at any time pending the suit, order the person or persons claiming under such conveyance or instrument to come in and establish his claim under the same; and in default of compliance with the said order, the said Court may declare the said conveyance or instrument to be void as against the creditors of the said Nabob, and may order the property thereby conveyed to be delivered up to the said Receiver.

Property conveyed by the Nabob for the purpose of raising money for his use, may be declared part of his estate, subject to *bonâ fide* mortgages created thereon.

Mortgagees, &c., of such property to come in and establish their mortgages.

Notices to be issued.

Persons holding under such mortgages, who fail to come in and establish their claims, shall be barred from all benefit thereof.

XII. In case it shall appear to the satisfaction of the Court that there is good reason to believe that any property was conveyed by the said Nabob in his lifetime to any person or persons, in order that he or they might raise money thereon for the use of the said Nabob, the said Court may declare that, subject to any mortgages or securities which may have been *bonâ fide* created thereon, the said property is part of the estate of the said Nabob, and shall be administered accordingly, and may also order all persons who may hold or claim under any mortgage or security executed by the person or persons to whom the said property was so conveyed by the said Nabob, to come in and prove their claims and establish their securities, and the consideration for the same, or in default thereof that they shall be barred and excluded from all benefit of their said securities; and the said Court shall also by the said order give such directions as to the notices to be issued to such creditors and otherwise, and shall direct such inquiries as to the Court shall seem fit; and all persons who may hold or claim under any mortgage or security executed by or on behalf of the person or persons to whom such property was conveyed as aforesaid, who shall fail to come in and establish the same, and (if required by the Court so to do) to prove the consideration for the same under and according to such order, shall be barred from all benefit of such mortgage or security; and the said Court may order the property affected thereby to be delivered up to the said Receiver.

No suit to be instituted against any representative of the Nabob otherwise than in accordance with this Act.

Pending suits to abate.

XIII. No action or suit shall be commenced or prosecuted by any creditor of the said Nabob against any person, as the representative of the said Nabob, otherwise than in accordance with the provisions of this Act; and all actions and suits, which at the time of the commencement of this suit shall be pending at the suit of any such creditor against any person, as representative of the said Nabob, shall abate; the costs of such suit, if the said Court shall consider it reasonable, to be paid out of the assets of the said late Nabob.

Special application by creditor for immediate investigation of his claim by the Court.

XIV. Any person claiming to be a creditor of the said late Nabob, who within the period of three months from the passing of this Act, shall file in the office of the Registrar of the said Supreme Court a written declaration, stating that

that he is willing to receive in full discharge of all his claims against the said late Nabob, or any property to which the said late Nabob at the time of his death was entitled either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob, such amount as shall be ascertained by the said Supreme Court to have been justly and fairly due to him from the said late Nabob at the time of his death, or to be a charge upon such property, and to remain unpaid (the amount to be estimated in respect of moneys at the amount which shall be proved to have been actually advanced to or paid for the use of the said Nabob, and in respect of goods supplied or other matters at the amount which shall be proved to have been the fair and actual value thereof at the time when such debts were incurred), together with such interest (if any), not exceeding the rate of six per centum per annum, as shall be awarded by the said Court; and that he is willing to give up any mortgage or security which he may hold upon any part of such property as aforesaid, or which shall have been charged with the said debt—shall be entitled, upon giving up such mortgage or security to the said receiver, to have the amount of his claim ascertained by the said Court, in manner hereinafter mentioned.

Payments made by the Nabob in discharge of interest not to be questioned.

From what period interest, at the rate of six per cent., shall be calculated.

XV. When any sum of money shall have been paid by the said Nabob in his lifetime, in specific discharge of interest at a higher rate than six per centum per annum, such payment shall not be re-opened or questioned; but interest at the reduced rate of six per centum per annum (as by this Act provided) shall be calculated from the period up to which interest shall have been specifically discharged by any such payment by the said Nabob.

Creditor not entitled to make special application in respect of a part only of his claims.

XVI. No person claiming to be a creditor of the said late Nabob, or in respect of any property whatsoever to which the said late Nabob was entitled either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob, shall be entitled to avail himself of the provisions of Section XIV. in respect of a part only of his claims upon the said late Nabob, or upon any such property as aforesaid.

No assignment of such claims to be valid if made after passing of this Act, or since the Nabob's death, unless made *bonâ fide* and for valuable consideration.

XVII. No assignment of any such claim as aforesaid upon the said late Nabob, or upon any property whatsoever to which the said late Nabob was entitled either at law or in equity, or which is liable either at law or in equity, to satisfy the debts of the said Nabob, shall be or be deemed to be valid or effectual if made or executed subsequently to the date of the passing of this Act, or if made or executed since the death of the said late Nabob, unless proved to have been made *bonâ fide* and for a valuable consideration, the proof whereof shall lie upon the person claiming under such assignment.

Persons claiming in respect of Istufa Cutcherry bonds to be deemed creditors of the Nabob within the meaning of Section xiv. of this Act.

XVIII. Every person claiming to be a creditor of the said late Nabob in respect of any security, commonly called and known as an Istufa Cutcherry Bond, issued by order of the said late Nabob, in discharge of or connected with the debts of Moomtauzool Moolk Bahadoor, otherwise called Ghoolam Moortaza Khan Bahadoor, shall be deemed a creditor of the Nabob within the meaning of Section XIV. of this Act.

Court, upon application, to fix a day for the investigation, and to give notice thereof to the Company's solicitor at Madras.

XIX. The said Court, upon the application of such creditor, shall appoint a day for ascertaining the amount of his debt, and notice of the day so appointed shall forthwith be given by the applicant to the solicitor of the East India Company at Madras. The day so appointed shall not be less than 21 days from the time of the application.

Particulars of claim to be furnished to the solicitor.

XX. At the time of giving such notice, the creditor shall also furnish to the said solicitor full particulars of his claim; if the particulars so furnished are insufficient, the said Court or a Judge thereof may make an order for further particulars. In case any such order be made, the Court shall not proceed to investigate the claim until 14 days from the time when sufficient particulars have been furnished, and, if necessary, shall appoint a further day for the hearing.

Government may, seven clear days before hearing, give notice of consent to an order for payment.

XXI. At any time, not less than seven days before the hearing, the Government may give notice to the claimant that it is willing to consent to an order for the payment of an amount, to be specified in the notice, in full discharge of what is justly and fairly due.

Claim to be summarily investigated by Court.

XXII. Upon the day so fixed, or upon any other day to which the Court may think fit to postpone the investigation, the Court, after proof of the service of the notice required by Section XIX. of this Act, shall proceed to ascertain and determine in a summary way what amount is justly and fairly due from the estate of the said Nabob, at the time of his death, to the claimant; whether the debt be payable by instalments or not, and whether or not the day or days fixed for the payment thereof shall have arrived. In ascertaining such amount, the said Court shall not allow to any person claiming to be a creditor in respect of money lent or advanced, any larger sum than the amount which shall be proved to have been actually advanced to or for the said late Nabob; or, in the case of such Istufa Cutcherry Bonds as aforesaid, to or for the said Goolam Moortaza Khan Bahadoor, together with simple interest thereon, not exceeding the rate of six per centum per annum (to be calculated up to the date of the order for payment), notwithstanding any higher rate of interest may have been agreed to be paid; and shall not allow to any person claiming to be a creditor in respect of goods supplied, or of any other matters, any larger sum than the amount which shall be proved to have been the fair and actual value thereof at the time when such debt was incurred by or on behalf of the said late Nabob; or, in the case of such Istufa Cutcherry Bonds as aforesaid, by or on behalf of the said Ghoolam Moortaza Khan Bahadoor, without reference to the price or sum which may have been agreed to be paid for or in respect thereof, together with simple interest thereon, not exceeding the rate aforesaid, if the Court shall consider that the claimant is entitled to recover interest. The said Court shall issue an order for the payment of the amount so ascertained to be due, together with the costs of proving the debt, if it shall think fit to award costs; provided that if the amount so ascertained to be due shall not exceed the amount specified in the notice (if any) given under Section XXI., the Court shall not award costs to the claimant.

Amount due, how to be ascertained;

in respect of money lent;

in respect of goods supplied, &c.

Court to order payment of amount so ascertained, with costs.

Proviso.

Fees to officers of Court.

XXIII. For the issue of subpœnas or other process, for preparing orders of payment, or for any other business connected with the ascertaining the amount of any debt or claim under the last preceding section, the officers of the said Court shall be entitled to charge the like fees as would be chargeable in an ordinary suit in the said Court for such debt or claim for business of a like nature, or such other fees as the Court, with the sanction of the Governor in Council, shall appoint in that behalf.

Upon every investigation, East India Company may appear by counsel. Claimant may appear in person, or by counsel, or by attorney, &c.

XXIV. Upon every investigation under Section XXII. of this Act, the East India Company may appear and be heard by counsel; and the claimant may appear in person or by counsel, or, if the Court shall think fit to allow the same, by attorney or any other agent.

Amount found due, with interest and costs, how to be paid.

XXV. The amount ascertained by the Court to be due to the claimant upon the investigation under Section XXII., together with such interest and costs (if any) as shall be awarded by the Court, shall be paid to the claimant by the said Receiver within 10 days after a copy of the order of the said Court shall have been served upon him. In case no sufficient assets belonging to the estate of the said late Nabob shall be in the hands of the Receiver to enable him to pay such amount, the same shall be forthwith paid out of the public treasury of the East India Company, and the said Company shall be entitled to be repaid by the Receiver out of any assets which may afterwards come to his hands. The judgment of the Court as to the amount due to such creditor as aforesaid for principal and interest shall, in taking an account of the debts and liabilities and of the estate and effects of the said Nabob in such administration suit as aforesaid, be treated as *primâ facie* evidence that a debt to that amount was due to such creditor.

Adjudication of amount to be *primâ facie* evidence of the debt in the administration suit.

Provision if payment be made to a creditor under the preceding section in respect of the amount receiv a by him.

XXVI. If it shall appear that the amount paid out of the assets of the said Nabob to any such creditor, or to the East India Company, under the provisions of the last preceding section, exceeds the amount which such creditor, independently of the provisions of this Act, would have been entitled to receive out of the assets of the estate, the difference between the amount so paid and the amount which would have been so receivable shall be made good by the East India Company, and shall be paid to the Receiver for the benefit of the persons interested in the estate.

XXVII. No

XXVII. No action or suit shall be brought against the East India Company, or any person, for anything done under the provisions of this Act, or for or by reason of any act, reasonable or proper, for the protection of any property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said late Nabob at the time of his death was entitled either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob, or for realising the assets thereof, which may have been done before the passing of this Act by any person under the orders or with the sanction of the said Governor in Council.

No action in respect of certain things done under this Act, or before the passing thereof, if done with the sanction of Government.

XXVIII. No property shall be taken by the said Receiver out of the possession of any person mentioned in the list last published in the Government Gazette at Madras of persons entitled to privileges under the provisions of Act I. of 1844, without the previous order of the said Governor in Council.

No property to be taken by the Receiver out of possession of privileged persons without the order of Government.

To the Honourable the Legislative Council of India.

The Humble Petition of His Highness Azeem Jah Bahadoor, Nawaub of the Carnatic and Soubahdar of Arcot:

Showeth,

That your petitioner has to represent to your Honourable Council that the Bill now pending in your Honourable Council, entitled, "A Bill for the Administration of the Estate, and for the Payment of the Debts of the late Nabob of the Carnatic," directly affects the interests of your petitioner; that in fact it ignores these interests and proceeds on the implied assumption that the late Nawaub left no heir or representative whatever.

That your petitioner only now appears before your Honourable Council because he has been in communication with the Government of India, through the Governor in Council at Madras, and the Governor General of India in Council, and the Honourable the Court of Directors, regarding the recognition of your petitioner as Nawaub of the Carnatic, and the restoration to him of his rights, property, and revenues; and although the decision of the Honourable the Court of Directors, in reference to your petitioner's claims and rights, was given in a Despatch of that Court, addressed to the Governor General of India in Council, on the 19th March 1856, that decision has never been communicated to your petitioner, either by the Court of Directors or by the Governor General of India in Council, or the Governor in Council at Madras; and it was only very lately that your petitioner obtained a copy of that Despatch, by which he has become aware of the reasons which that Court has given for refusing to acknowledge your petitioner as Nawaub of the Carnatic, and for depriving him of the revenues and property which belong to him as Nawaub of the Carnatic, and as the lawful heir and representative of the late Nawaub.

That your petitioner is the second son of his late Highness Azeemood Dowlah, Nawaub of the Carnatic and Soubahdar of Arcot, who died on the 3d day of August 1819, and was succeeded in all his rights, titles, revenues, and property, as Nawaub of the Carnatic and Soubahdar of Arcot, by his eldest son, your petitioner's brother, his late Highness Azeem Jah Bahadoor, Nawaub of the Carnatic and Soubahdar of Arcot, who died on the 13th day of November 1824, and was succeeded in all his rights, titles, revenues, and property as Nawaub of the Carnatic and Soubahdar of Arcot, by his only son, then an infant, your petitioner's nephew, his late Highness Jholam Mahomed Jhouse Khan Bahadoor, Nawaub of the Carnatic and Soubadar of Arcot, who died on the 7th day of October 1855, without issue, and leaving your petitioner his heir, representative, and successor, according to Mahommedan law and custom, in all his rights, titles, revenues, and property as Nawaub of the Carnatic and Soubahdar of Arcot.

That the rights of the Nawaubs of the Carnatic, whether titular, gubernatorial, or territorial, are expressly hereditary and independent in their nature, without any limitation to the succession, as appears by all the treaties between them and other powers, whether Indian or European.

That your petitioner begs to refer your Honourable Council to the treaties which have been entered into between the East India Company and your

petitioner's ancestors, heretofore Nawaubs of the Carnatic, the two last of which treaties are expressly still subsisting, and form the basis, and contain the definition of the rights of that Company in the Carnatic, while at the same time they show the rights, titles, dignities, and revenues which your petitioner's ancestors did not cede or give to that Company, and which by these treaties, and by the original rights of your petitioner, and his ancestors, remain and belong to him as his absolute and indefeasable rights, as Nawaub of the Carnatic.

The Treaties to which your Petitioner refers, are:—

1st. A treaty, dated 23d July 1768, called "A Treaty of Perpetual Friendship and Alliance by the Honourable United Company of Merchants trading to the East Indies, with the Nawaub of the Carnatic, and the Soubah of the Deccan."

2d. A treaty, dated 24th February 1787, called "A Treaty of Perpetual Friendship, Alliance, and Security between the said Company and his Highness the Nawaub Walajah, Soubahdar of the Carnatic."

3d. A treaty, dated 12th July 1792, between the said Company and the said Nawaub Walajah.

4th. A treaty, dated 31st July 1801, between the said Company and the Nawaub Azeemood Dowlah, your petitioner's father, called "A Treaty for settling the Succession to the Soubahdary of the Territories of Arcot, and for vesting the Administration of the Civil and Military Government of the Carnatic Payenghaut," in the said Company.

That by this last treaty, which is stated in its preamble to be made for the purpose "of supplying the defects of all former engagements, and of establishing the connexion between the said contracting parties on a permanent basis of security in all times to come;" the state and rank with the dignities dependent thereon, of his ancestors theretofore Nawaubs of the Carnatic, are given to the said Nawaub, Azeemood Dowlah, and one-fifth part of the net revenues of the Carnatic are reserved and appropriated for the maintenance and support of the dignity of the said Nawaub.

That the rights, titles, dignities, and revenues thus secured to Nawaub Azeemood Dowlah, your petitioner's father, were succeeded to by his son, the Nawaub Azeem Jah Bahadoor, your petitioner's brother, and on his death they were succeeded to by his infant son, the late Nawaub Jholam Mahomed Ghouse Khan Bahadoor, your petitioner's nephew, and are the absolute and indefeasible rights, titles, dignities, and revenues of your petitioner, as the lawful heir and successor of his said nephew, as Nawaub of the Carnatic; and they have never been by treaty ceded to, or in any way or manner whatsoever acquired by or forfeited to the said Company, but they remain and belong to your petitioner, not only under the said treaties, but upon the original rights of your petitioner and his ancestors, as Nawaubs of the Carnatic.

That besides the rights, titles, dignities, and revenues so belonging to your petitioner as Nawaub of the Carnatic, your petitioner, as the lawful heir and representative of the late Nawaub, has right to all his real and personal estate, of whatever nature, and especially to the palaces at Chepauk, and at Arcot, which belonged to the late Nawaub, by rights acquired independently of the said treaties; and your petitioner, as such heir and representative and successor of the said Nawaub, is ready and willing, upon the acknowledgment and restoration of his rights, titles, dignities, property, and revenues belonging to him, as such heir, representative, and successor, to charge himself with, and undertake the payment of all the just debts of the late Nawaub, and of all debts and charges laying and incumbent upon your petitioner as such heir, representative, and successor; payments which, on such recognition and restoration of your petitioner's rights, he will soon and readily be enabled to accomplish.

That on taking these circumstances into consideration, your petitioner trusts that your Honourable Council will not proceed further with the Bill, to which your petitioner has called the attention of your Honourable Council, which Bill your petitioner humbly submits to your Honourable Council, proposes to establish a most expensive and abiding machinery for the ascertainment of the estate, and payment of the debts of the late Nawaub, a proceeding which, if passed into a law, will directly stand in the way of your petitioner's just rights, which

which he intends in every lawful and constitutional manner to assert and establish.

That your petitioner is the head of a great Mahommedan family, and during the late and still continuing mutiny and rebellion in India (the progress of, and circumstances attending which your petitioner has seen with sorrow and dismay), he has continued the peaceful and faithful ally of the Government of India.

That this is not the time for your Honourable Council to pass a Bill, taking away, or at all events ignoring the rights, titles, dignities, and possessions which your petitioner holds most dear and sacred. On the contrary, your petitioner trusts that your Honourable Council, which is entrusted with the high and sacred duty of making "laws and regulations for all persons," within the territories in the possession and under the Government of the East India Company, may, when the same shall or may in due form be brought before your Honourable Council, pass a law for the recognition and restoration of the rights, titles, dignities, property, and revenues of your petitioner.

That your petitioner, with all deference, protests against your Honourable Council proceeding further with the said Bill, and against his rights being taken away or injured by any such measure.

May it therefore please your Honourable Council to take his petition into consideration, and to receive his protest against the said Bill; and on your Honourable Council finding the statements regarding his rights made by your petitioner to be consistent with truth and justice, to proceed no farther in the consideration and passing of the said Bill now pending in your Honourable Council, and to leave the administration of the estate, and the payment of the debts of the late Nawaub of the Carnatic to your petitioner, as his lawful heir and representative, to whom of right and duty such administration and payment belong.

And your petitioner shall ever pray, &c.

Triplicane, Madras, 25 May 1858.

Despatched per Tappal.

25 May 1858.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of his Highness Azeem Jah, Ameer-ul Omrah, Seraj-ul Omrah, Omdut-ul Moolk, Asadood Dowlah, Mahomed Ali Khan Bahadoor, Zool Fekhar Jung, Sepah Salar, being or claiming his rights as Nawaub of the Carnatic and Soubahdar of Arcot.

Showeth,

That your petitioner is the second son of his late Highness Walajah, Ameer-ul Omrah, Madar-ul Mulk, Ameer-ul Hind, Azeem-ood Dowlah Behauder, Shawkut Jung, Sepah Salar, Nawaub of the Carnatic and Soubahdar of Arcot, who died on the 3d day of August 1819, and was succeeded in all his rights, titles, revenues, and property, as Nawaub of the Carnatic and Soubahdar of Arcot, by his eldest son, your petitioner's brother, his late Highness Azeem Jah, Ameer-ul Hind, Walajah, Omdut-ul Omrah, Fakhrool Omrah, Mooktar-ul Mulk, Roschan-ood Dowlah Mahomed Manowar Khan, Bahadoor, Bahadoor Jung, Sepah Salar, Nawaub of the Carnatic and Soubahdar of Arcot, who died on the 12th day of November 1825, and was succeeded in all his rights, titles, revenues, and property, as Nawaub of the Carnatic and Soubahdar of Arcot, by his only son, then an infant, your petitioner's nephew, his late Highness Ameer-ul Hind, Walajah, Azeem-ul Omrah, Omdut-ul Omrah, Mooktar-ul Mulk, Azeem-ood Dowlah Mahomed Ghouse Khan, Bahadoor, Shahamut Jung, Sepah Salar, Nawaub of the Carnatic and Soubahdar of Arcot, who died on

the 7th day of October 1855, without issue, and leaving your petitioner his heir, representative, and successor, according to Mahommedan law and custom, in all his rights, titles, revenues, and property, as Nawaub of the Carnatic and Soubahdar of Arcot.

That notwithstanding that such is truly your petitioner's position, and that your petitioner is under solemn and formal treaties, made and concluded between the East India Company, under the authority of the British Government, and your petitioner's ancestors, former Nawaubs of the Carnatic, entitled to all the rights, titles, revenues, and property possessed and enjoyed by the last three Nawaubs of the Carnatic, and Soubahdars of Arcot, being respectively your petitioner's father, brother, and nephew, as above mentioned, your petitioner has to inform your Honourable House that the East India Company and Government of India have, in the possession and exercise of arbitrary power, without any just cause, and without any legal right whatever, refused, ever since the said 7th day of October 1855, the day of the death of his Highness the late Nawaub of the Carnatic, to acknowledge your petitioner as the heir and successor to his Highness, and to award to your petitioner the honours and place to which, as Nawaub of the Carnatic, he is entitled; and have also taken possession and deprived your petitioner of all his revenues, consisting of one-fifth part of the net revenues of the Carnatic, as expressly fixed by treaty, and which amount to about the sum of Company's rupees 12 lacs, or (120,000*l.*) one hundred and twenty thousand pounds sterling, annually.

That your petitioner may show to your Honourable House that he has not overstated his rights, nor misrepresented the conduct of the East India Company and Government of India, he begs the attention of your Honourable House to a statement of the details of his case, and of the answers and reasons which the Government of India has given in defence of its disownment of your petitioner's rights, and of its taking possession of his property and revenues.

The rights of the Nawaubs of the Carnatic, whether titular, gubernatorial, or territorial, are expressly hereditary and independent in their nature, without any limitation to the sucession, as may be seen in all the treaties between them and other powers, whether Indian or European.

By the *first* treaty to which the East India Company was a party, along with a Nawaub of the Carnatic, namely, with Nawaub Wala Jah, the great grandfather of your petitioner, in which treaty the Company, in conjunction with that Nawaub, were the contracting parties on the one part, and the Nawaub Asif Jah, Soubah of the Deccan, was the contracting party on the other part, and which is dated 23d February 1768, it appears by the *seventh* article, that the Emperor Shah Allum gave and granted to Nawaub Wala Jah and his eldest son, Omdut-ul Omrah, *and their heirs for ever*, the government of the Carnatic Payen Ghaut, and the countries dependent thereon, by his royal firmand, bearing date the 26th August 1765; and that the Nawaub Asif Jah, Soubah of the Deccan, released the said Nawaub Wala Jah and his son, *and their heirs in succession for ever*, from all dependence on the Deccan by a sunnud under his hand and seal, dated the 12th November 1766.

By the next treaty entered into between the East India Company and the same Nawaub Wolan Jah, your petitioner's great grandfather, and which is dated the 24th day of February 1787, and is entitled, "A Treaty of *perpetual Friendship, Alliance, and Security*," the parties respectively contract "*for themselves and their successors to and with each other.*"

The next treaty is dated 12th July 1792, and is still subsisting. It is made between the same parties, the East India Company and the Nawaub Wala Jah, your petitioner's great grandfather, the said Company acting by the Right honourable Charles Earl Cornwallis, Governor General, invested with full powers on the part of the said Company, *their heirs and successors*, on the one part, and the said Nawaub, in his own name, and for himself *and his successors*, his eldest son, Nawaub Omdut-ul Omrah, *and his heirs and successors*, on the other part.

This treaty is stated, in its preamble, to have been made *in lieu* of the treaty of 1787, which had been "entered into *for the purpose of cementing an everlasting friendship*" between the parties, "and of *contributing mutually towards the defence of the Carnatic and countries dependent thereon.*" And by the

the *first* article, the parties contract and agree that "the friends and enemies of either of the contracting parties shall be considered the friends and enemies of both." And, in order effectually to carry out that article, the said Company, by the *second* article, "agree to maintain a military force, and the said Nawaub Walajah Behauder agrees to contribute annually a certain sum of money" (thereinafter mentioned) "as his share of the expense of the said military force;" and, by the *third* article, "in the event of war breaking out in the Carnatic, and countries appertaining to either party, and dependent on the Carnatic, or contiguous thereto, it is agreed, for the better prosecution of it, that, as long as it should last, the said Company shall possess full authority over the Carnatic (except the Jaghires belonging to the family of the said Nawaub, and certain charities), and shall collect the revenues thereof, the said Company hereby engaging that during such war they will pay to the said Nawaub one fifth share of the net revenues arising threfrom; and that, at the conclusion of the war, the Carnatic shall be restored to the said Nawaub, except in certain cases," which are thereinafter mentioned.

The treaty is occupied with many details in reference to the manner in which, and the conditions on which, the Company should assume the management and collect the revenues, not merely in the event of war, but in the event of the Nawaub not making good the payments of his contributions towards the expense of the military force for the purpose of mutual defence, and his payments on account of debts mentioned in the treaty; and provisions are made for the management of the Company becoming permanent, or the management reverting to the Nawaub.

But, notwithstanding these important powers given to the Company, the treaty leaves the hereditary sovereign, and territorial rights and titles, of the Nawaub otherwise entire. By the *sixth* article of the treaty, the Company engage as follows:—"The said Company, desirous of *preserving the rights of sovereignty over the said Poligars* (the zemindars of the Carnatic) *to the said Nawaub*, engage to the utmost of their power, and consistent with the realisation of the tributes or peschush from them, to enforce *the allegiance and submission of the said Poligars to the said Nawaub* in customary ceremonies, and in furnishing the Poligar peons *according to the established custom for the collection of the revenues, the support of Government, and for the protection of the property of the inhabitants of the Nawaub's country, promising* that *all acts of authority* shall be exercised in, and *all accounts of revenue* (of which accounts the said Nawaub, if he so wishes, shall be annually furnished with copies) *shall bear his, the said Nawaub's, name.*"

And the *tenth* and last article of the treaty contracts, that "The said *Nawaub shall receive regular information of any negotiation* which shall relate to *declaring war or making peace*, wherein the said Company may engage, and *the interests of the Carnatic and its dependencies* may be concerned; and *the said Nawaub shall be considered as an ally* of the said Company *in all treaties* which shall in any respect *affect the Carnatic, and countries depending thereon*, or belonging to *either of the contracting parties, contiguous thereto.*"

The next treaty is the last made, and still existing, between the East India Company and the Nawaubs of the Carnatic, and bears date the 31st July 1801. It is made between the Right Honourable Edward Lord Clive, Governor in Council of Fort St. George, by and with the sanction and authority of his Excellency the Most Noble the Marquis Wellesley, Governor General in Council of all the British Possessions in the East Indies, on behalf of the East India Company, on the one part, and by his Highness the said late Nawaub Azeem-ul Dowlah, your petitioner's father, on his own behalf, on the other part; and is entitled a "Treaty *for settling the succession* to the *Soubahdarry of the territories of Arcot*, and *for vesting the administration of the Civil and Military Government of the Carnatic* in the United Company of Merchants of England trading to the East Indies," and these, according to the preamble, also are said to be the objects of the treaty.

It will be seen from the body and whole tenor of the treaty, that the words or phrase, "Soubahdarry of the territories of Arcot," used in the title and preamble, must be held to mean the Nawaubship of the Carnatic, which includes the Soubahdarry of Arcot; and that the treaty, while it carries out its object of "vesting the administration of the civil and military government of the Carnatic in the said Company, also accomplishes its other object, namely,

that of "settling the succession" to the Nawaubship of the Carnatic upon the Nawaub Azeem-ul Dowlah, and his heirs and successors.

It is of great importance to your petitioner, that your Honourable House should examine the terms and context of this treaty, because the Honourable the Court of Directors, in their Despatch afterwards to be noticed, say that the terms of this treaty "are *exclusively personal* to Azeem-ul Dowlah, your petitioner's father, with whom the treaty was made; and that "there is no mention in the treaty of heirs and successors, nor any stipulation respecting descendants."

The Government of India, at the date of the treaty in question, had taken it upon them (with what justice or by what right, it is not necessary to your petitioner's case to inquire), to pass over the nearest heir of the Nawaub Omdut-ul Omrah, then lately deceased, and to place and establish his cousin, Azeem-ul Dowlah, as Nawaub of the Carnatic, and to enter into treaty with him. Hence the meaning of the first object of the treaty, "for settling the succession," is to settle the succession upon Azeem-ood Dowlah, and his heirs and successors, instead of upon the heir so passed over, and his heirs and successors.

With this explanation of the first object of the treaty, your petitioner will notice the terms and context of the treaty to show the incorrectness of the statement, that the terms of the treaty "are exclusively personal to Azeem-ul Dowlah," and at same time the irrelevancy of the statement, that there is no mention in the treaty of heirs and successors, nor any stipulation respecting descendants.

The preamble of the treaty, *inter alia*, sets forth, "And whereas the Musnud of the Soubahdarry of Arcot having become vacant, the Prince Azeem-ul Dowlah Behauder *has been established* by the English East India Company *in the rank, property, and possessions of his ancestors, heretofore Nawaubs of the Carnatic;* and whereas the said Company, and his Highness the said Prince Azeem-ul Dowlah Behauder, have judged it expedient that *additional provision should at this time* be made for the purpose *of supplying the defects of all former engagements, and of establishing the connexion between the said contracting parties on a permanent basis of security* in all times to come."

Here, in the first place, Azeem-ul Dowlah is declared to have received an expressly hereditary status, "the rank, property, and possessions of his ancestors, heretofore Nawaubs of the Carnatic;" thereby giving to him, as one of the rights of that status, a right to have heirs and successors, as his ancestors, theretofore Nawaubs of the Carnatic, had right to have heirs and successors, and consequently giving rights to his heirs and successors. And in the next place, it is very prominently set forth to be the object of the treaty, to establish "the connexion between the contracting parties on a permanent basis of security in all times to come." These are terms the reverse of exclusively personal to Azeem-ul Dowlah, and render unnecessary the mention of heirs and successors.

Then the first article of the treaty is as follows:—"*The Nawaub* Azeem-ul Dowlah *is hereby formally established in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nawaubs of the Carnatic;* and the possession thereof is hereby guaranteed by the Honourable the East India Company to his said Highness Azeem-ul Dowlah Behauder, *who has accordingly succeeded* to the Soubahdarry of the territories of Arcot."

This article goes expressly to carry out the first object of the treaty, "the settling of the succession," and is precisely consistent with the statement quoted from the preamble. It gives to Azeem-ul Dowlah the hereditary status, rank, and dignities of the Nawaubs of the Carnatic, and acknowledges that he "has accordingly succeeded" to these, and consequently to all the hereditary rights which belong to the Nawaubs of the Carnatic.

The latter part of the article, in so far as it concerns the guarantee of possession by the Company, seems at first sight personal to Azeem-ul Dowlah; but looking at the nature and context of the treaty, this guarantee cannot be held to be personal to Azeem-ul Dowlah, but to include all who should derive right through him, that is, his heirs and successors; for the guarantee is given to him as having succeeded to the rights of his ancestors, theretofore Nawaubs of the Carnatic. The Company, although they had given no such guarantee to Azeem-ul Dowlah, would have been equally bound, in their character of administrators of the civil and military government of the Carnatic, to have maintained him in the possession of the state, rank, property, and dignities which were

were his; and they, in the same character of administrators, are as much bound to maintain his heirs and successors in the possession of the state, rank, and dignities which are theirs.

The *second* article of the treaty also conclusively negatives the argument of the Government of India, that the terms of this treaty are personal to Azeem-ul Dowlah. It is in these terms: "*Such parts* of the *treaties herebefore concluded* between *the said East India Company and their Highnesses, heretofore Nawaubs of the Carnatic, as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties*, are hereby renewed and confirmed; and accordingly the friends or enemies of either are the friends or enemies of both."

All the former treaties had this usual contract of mutual alliance, friendship, and security, with which this article concludes, and bore that such alliance was to be perpetual, and were made by the parties respectively for themselves, their heirs and successors; and in the preamble of this treaty it is emphatically said to be made for "establishing the connexion between the said contracting parties on a permanent basis of security in all times to come." Under these circumstances, it follows that such parts of the former treaties as made the alliance perpetual and obligatory upon the heirs and successors of the contracting parties, were by this treaty renewed and confirmed. These parts of the former treaties were "calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties;" and hence this last treaty is effectually made a treaty by the parties respectively for themselves, their heirs, and successors.

The *third* article of the treaty is in entire consonance and consistency with the second article, thus: "The Honourable Company hereby charges itself with the maintenance and support of the military force necessary for the *defence of the Carnatic*, and *for the protection of the rights, person, and property of the said Nawaub*, Azeem-ul Dowlah Behauder; and with the *view of reviving the fundamental principles of the alliance* between *his ancestors* and *the English nation, the said Nawaub* Azeem-ul Dowlah stipulates and agrees that he will not enter upon any negotiation or correspondence with any European or native power without the knowledge and consent of the said English Company."

The "administration of the civil and military government of the Carnatic," given to the Company by this treaty, it will be seen, is for perpetuity and for ever; and in like manner, the engagement undertaken by the Company in the above-quoted third article, for the defence of "the Carnatic, and for the protection of the rights" of the Nawaub, is and must be held to be commensurate with the administration given to them, that is, for perpetuity and for ever.

The fourth and fifth articles of the treaty provide for the exclusive "administration of the civil and military government of the Carnatic" by the Company, and fix the portions of the revenues given to the Company and reserved to the Nawaub. Thus, Article 4: "It is hereby stipulated and agreed, that the sole and exclusive administration of the civil and military governments of all the territories and dependencies of the Carnatic Payen Ghaut, together" with the full and exclusive "right to the revenues thereof (*with the exception of such portion of the said revenues as shall be appropriated* for the maintenance of the said Nawaub, and for the support of his dignity), *shall be for ever vested in the said English Company*; and the said Company shall accordingly possess the sole power and authority of constituting and appointing, without any interference on the part of the said Nawaub, all officers for the collection of the revenues, and of establishing courts for the administration of civil and criminal judicature." And Article 5th, "It is hereby stipulated and agreed *that one-fifth part of the net revenues of the Carnatic shall be annually allotted* for the maintenance and support of the said Nawaub and of his own immediate family, including the mohal to his Highness the Ameer-ul Omrah."

Thus, the exclusive "administration of the Civil and Military Government of the Carnatic," and four-fifths of the revenues thereof, are given to the Company; and the remaining one-fifth part of these revenues is reserved as the estate and inheritance of the Nawaubs of the Carnatic, remaining with them "for the maintenance and support of the Nawaub and his own immediate family," and to which the said Company receive no right and have no claim by the treaty.

The treaty provides for the mode in which the fifth part of the net revenues shall be ascertained, and the periods and manner of payment thereof to the Nawaub; and the Company charges itself with the payment of the debts of his ancestors, and engages to take into consideration the situation of the families of the then late Nawaubs Walajah and Omdut-ul Omrah, and to charge itself with suitable provisions for them; and by the *tenth* article it is stipulated "that the said Nawaub Azeem-ul Dowlah Behauder *shall, in all places, and on all occasions, and at all times, be treated with the respect and attention due to his Highness' rank and situation as an ally of the British Government*," and a suitable guard shall be appointed from the Company's troops for the protection of his "said Highness' person and palace."

In this manner are the two objects of the treaty carried out by the treaty; the first "for settling the succession" by Nawaub Azeemood Dowlah being formerly established in the state and rank, with the dignities dependent thereon, of his ancestors, theretofore Nawaubs of the Carnatic, and by a fifth part of the net revenues of the Carnatic being expressly reserved and applied to his maintenance and the support of his dignity; and the second object of the treaty, "for vesting the administration of the Civil and Military Government of the Carnatic" in the Company, is carried out by such administration being expressly given to them, with four-fifths of the revenues of the Carnatic.

Unless the selection of Azeemood Dowlah as heir by the Company included the consequence of carrying the succession to his heirs and successors, instead of to the heirs and successors of the heir passed over, how was this first object of the treaty, "for settling the succession," accomplished?

This declared object of the treaty had no meaning unless such were the effect of the treaty; the treaty is, therefore, as effectual for carrying the succession to the heirs and successors of Azeemood Dowlah, as if these heirs and successors had been expressly mentioned.

These are the treaties under which the East India Company obtained, and now hold, the possession and exercise the Government of the Carnatic, and under which the rights, titles, dignities, and revenues of your petitioner are secured to him; and in so far as these treaties do not cede or give to the East India Company the hereditary sovereign and territorial rights, titles, and possessions of the Nawaubs of the Carnatic, these rights, titles, and possessions remain and belong to your petitioner, as Nawaub of the Carnatic, upon the original rights of your petitioner and his predecessors as Nawaubs of the Carnatic. The "state and rank, with the dignities dependent thereon," of your petitioner and his ancestors as Nawaubs of the Carnatic, together with one-fifth part of the net revenues of the Carnatic, do so remain not ceded or given to the East India Company, and they have not been acquired by nor forfeited to them in any way or manner whatever, but they remain and belong to your petitioner as his ancestorial and treaty absolute and indefeasible rights as Nawaub of the Carnatic. If these treaties are good and valid to the East India Company for their possession and government of the Carnatic, they must be equally good and valid to your petitioner for the protection, maintenance, and enjoyment of his rights, titles, and possessions as Nawaub of the Carnatic.

Consistently with this state of matters, the East India Company and Government of India have themselves, until the period of the accession of your petitioner as Nawaub of the Carnatic, in all respects acted under these treaties as your petitioner maintains they are bound and should continue to act under them. On the death of his Highness Nawaub Azeemood Dowlah, your petitioner's father, they accorded and maintained to his eldest son, your petitioner's brother, his Highness the late Nawaub Azum Jah Bahadoor, all the rights, titles, dignities, and possessions belonging to him as Nawaub of the Carnatic under these treaties. And on the death of Nawaub Azum Jah, the said Company and Government accorded and maintained to his only son, then an infant, your petitioner's nephew, his Highness the late Nawaub Mahomed Ghouse Khan, all the rights, titles, dignities, and possessions belonging to him under these treaties as Nawaub of the Carnatic; and consistently with such a course of action, the said Company and Government, during the lifetime of his Higness the late Nawaub, your petitioner's

petitioner's nephew, when your petitioner came to be incidentally mentioned in their despatches, did not fail to recognise your petitioner as the next heir to his Highness in the event of his demise without issue.

Under these circumstances, it is difficult to conceive how or for what reasons, or under what pretences, the Government of India has refused to acknowledge your petitioner as Nawaub of the Carnatic, and has deprived him of his rights, titles, and possessions as such Nawaub, he being equally with his elder brother and nephew, the late Nawaubs of the Carnatic, the direct and lawful heir and successor to the same rights, titles, dignities, and possessions which they enjoyed under the existing treaties, the last of which was made with your petitioner's father, his Highness the late Nawaub Azeemood Dowlah. But it is due to your Honourable House and to your petitioner's case that your petitioner should state fully the reasons which the Government of India have given for their refusal to acknowledge your petitioner as the Nawaub of the Carnatic, and to put him in possession of, and to accord and maintain unto him, the rights, titles, dignities, and revenues belonging to him under the existing treaties and as Nawaub of the Carnatic; and this full statement your petitioner will give in the course of representing to your Honourable House the manner in which he has been treated by the Government of India in applying to that Government to comply with his claims and rights under the said treaties, of which treatment your Honourable House will see that your petitioner has good reason to complain.

On the 7th of October 1855, the day of the death of his Highness the late Nawaub, your petitioner's nephew, his Highness Dewan waited on the Honourable Sir H. C. Montgomery, Baronet, the only member of Council then at Madras, the Governor, Lord Harris, being absent, to communicate to him intelligence of the death of his Highness, and to receive instructions in reference to his Highness' funeral. On that occasion the Dewan mentioned the rights of your petitioner as the late Nawaub's successor, to which Sir H. C. Montgomery replied he had no authority to enter upon that subject, but that without due orders he (the Dewan) *must not recognise*, and if *necessary prevent, the assumption by any person of the position of his late Highness' successor.*

In this covert way did your petitioner receive the first intimation that the Government of India had made up its mind to depart from the treaties subsisting between it and your petitioner, as Nawaub of the Carnatic.

On the day after the 8th October, the funeral of his Highness took place, at which your petitioner, as his uncle and nearest relative, and head of the family, ought to have conducted and presided over all the religious rites and ceremonies, at the palace and at the mosque, and all the proceedings relative to his Highness' sepulture; but your petitioner was prevented from paying and performing these last, and, according to the Mahommedan faith, important rites and duties for and to the deceased, by the Government at Madras having ordered the Dewan of his Highness to attend to his Highness' funeral, instead of allowing your petitioner to fulfil his proper place and duty upon that occasion.

After the funeral, your petitioner, on the 10th October, addressed a letter to Edward Balfour, Esq., the Government Agent at Chepauk, the proper channel of communication for your petitioner, requesting him to lay before the Right Honourable the Governor in Council the rights of your petitioner, under the treaties as successor to the late Nawaub, and asking the favourable consideration of the Government to these rights, and reminding them of the good-will and faithful alliance to the British Government of your petitioner's father, brother, and nephew, as Nawaubs of the Carnatic, and directly requesting that the Government would be pleased to place your petitioner on the musnud of his ancestors, in terms of the existing treaties. To this communication your petitioner received a reply on the 19th November, in the form of an extract from the Minutes of Consultation of the Governor in Council at Madras, of date the 17th of November, as follows: " Resolved, that his Highness Prince Azeem Jah be informed, through the Government Agent at Chepauk, in reply to his address under date the 10th ultimo, *that the Government decline to recognise him as successor to his Highness the late Nawaub of the*

Carnatic, and that *the whole question in regard to the vacant musnud* will *be reported* by the next mail *to the Honourable the Court of Directors for their consideration and orders*."

The Government at Madras, it thus appears, was incompetent to settle the question (if there were any question, for your petitioner humbly submits there was none) in regard to the vacant musnud; but that Government was competent to ignore, in the meantime, all the rights, titles, and dignities of your petitioner as Nawaub of the Carnatic, and to deprive him of all his revenues, and leave him for an indefinite period, under the great disadvantage of poverty, to assert his rights as he best could.

In consequence of the information given to your petitioner, that the matter was to be reported to the Honourable Court of Directors for their consideration and orders, your petitioner prepared a memorial of his case to that Honourable Court, and transmitted the same on 24th November, through the Government Agent to the Governor in Council at Madras, to be forwarded; and your petitioner duly received information that such his memorial would be forwarded, and a copy of it also sent to the Government of India at Calcutta.

It is surprising, but it is not the less true, that your petitioner has not to this day, after a lapse of upwards of two years and six months, received any reply or answer to the memorial so forwarded by him to the Honourable the Court of Directors; but your petitioner will state what sort of communications your petitioner did receive from the Government of India.

He had dispatched his memorial to the Court of Directors on 24th November 1855, in the manner he has already stated, and on 25th January 1857, after a lapse of a year and two months, your petitioner received a letter from the Government Agent at Chepauk, sending Extract Minutes of Consultation of the Governor in Council at Madras, of date 19th January, announcing to your petitioner, that an allowance of Company's rupees one lac per annum had been made to him for the period of his life, but containing no notice of the memorial which your petitioner had sent to the Court of Directors. Your petitioner thereupon, on 3d February, addressed a letter to the Government Agent, inquiring for the answer to his memorial; and on the 7th February he received from the Government Agent an answer, stating, " I have the honour to mention that the Right Honourable the Governor in Council, in Extract Minutes of Consultation, *has replied to the agency*. In this reply, Government mention, *that the letter of your Highness, of date the 24th, was forwarded* on *27th November* 1855 to the Honourable Court of Directors; and *in their reply to the Government of India, of 19th March* 1856, the Honourable Court *acknowledged the receipt of the despatch in which your letter was forwarded*; and *I am able* to mention that *the allowance of one lac of rupees*, which I had the honour on *25th ultimo to announce the issue of to your Highness*, to commence from 8th October 1855, was the result of that reference," meaning that the allowance to your petitioner, here referred to, was the result of your petitioner's memorial, on the subject of his claims and rights, addressed to the Court of Directors. Your petitioner will not comment on this mode of communicating the answer to his memorial, if such was meant to be the answer to it.

In the hope that redress might still be obtained from the Government of India, your petitioner then, on 3d April 1857, addressed a letter to the Right Honourable Viscount Canning, the Governor General in Council, in which your petitioner, after referring to the communication from the Government at Madras, announcing an allowance to him, which he stated he would not accept, proceeds to state his case to his Lordship, and to refer to the memorial which he had addressed to the Court of Directors, and to certain points of his case which he was afraid had been lost sight of, and he concludes by requesting his Lordship to forward " this my memorial to the Honourable Court of Directors, supported by your Lordship's strong recommendation."

Not having received any reply to this communication to the Governor General in Council, your petitioner, on 26th November last, wrote a note to remind

remind his Lordship of his application; and on 2d December last, your petitioner received a communication from the Government of Madras as follows:—"The Government Agent will inform the Prince Azeem Jah Bahadoor, in reference to his address of 26th ultimo, that a reply has been received from the Supreme Government to his Khareetah to the Right Honourable the Governor General, under date the 3d April last. The Government of India decline to discuss the merits of his Highness' case, or *to revoke the decision* which *has been passed. They observe that the Prince has memoralised the Honourable Court of Directors, and he may await their reply.*"

In the ignorance of your petitioner as to what was "the decision which had been passed," and in consequence of the ambiguity of the concluding part of this communication from the Governor General in Council, your petitioner was led still to hope to receive an answer from the Honourable Court of Directors. It was in this state of the matter that it was suggested to your petitioner to obtain a copy of the despatch of the Court of Directors of the 19th March 1856, of the existence of which your petitioner had first become aware by the letter of the Government Agent of 7th February 1857. It was but lately that your petitioner obtained copy of that despatch; and he confidently submits to your Honourable House that it was due to him that the contents or substance of that despatch should have been communicated to him without any undue delay; and that the manner in which he has been treated by the Government of India in the matter is equally derogatory and unfair towards your petitioner.

The correctness of the copy of that despatch which your petitioner has obtained, he believes may be readily verified, by a copy to be found at the India House. Assuming his copy to be correct, your petitioner proceeds to lay before your Honourable House the chief part of that despatch, and will at the same time state his answers to each paragraph of the despatch as it proceeds.

Answers.	Dispatch.
1. Here it is noticed that the late Nawaub died "without direct heirs;" meaning, it is presumed, that he died without issue; and it is kept out of view that the succession of the Nawaubs of the Carnatic is not in any way limited, but belongs to them in all the lines of succession, whether descendants, ascendants, or collaterals. Your petitioner is, according to law, the direct heir of the late Nawaub; and according to the phraseology of the Court of Directors, he is a direct heir, being a son of Azeemood Dowlah, with whom the last Treaty was made.	"1. The Governor General's letter in the Foreign Department, dated 14th November 1855, and the political letters from the Madras Government, dated the 12th October, and 20th November, and the 4th December 1855, report to us the death, *without direct heirs*, of His Highness Mahomed Ghouse, Nabob of the Carnatic, and communicate the views of the Governor General and of the Governor in Council at Madras respecting the consequences of that event."
2. No grounds are given for the unanimous opinion here referred to. In opposition to it, your petitioner has, by fair quotation from the treaties, shown that, instead of being at an end, they are *expressly made for perpetuity;* and instead of the dignity of the Nawaub of the Carnatic having expired, your petitioner stands forth as the undoubted and acknowledged heir and successor of the late Nawaub—your petitioner holding the position of second son of the Nawaub with whom the last treaty was made. The *expediency* here referred to is only on one side.	"2. In the opinion both of the Governor General and of the Madras Government, the dignity of the Nawaub of the Carnatic has expired; the treaties between the British Government and the successive heads of the family of Walajah are at an end; the British Government are under no obligation to recognise any person as successor to the rights hitherto enjoyed under those treaties; and expediency being wholly against such recognition, these authorities are unanimously of opinion that it ought not to take place."
3. Your petitioner considers that it will be his duty to maintain, with all deference, that the earnest deliberation here mentioned has resulted in a great violation of public faith.	"3. We have carefully examined the past history of the relations of the British Government with this family, and have bestowed on the important question referred to us the earnest deliberation due to all questions which can be supposed to involve considerations of public faith."

4. Your petitioner cannot admit that the statement, said to have been made by the "announcement" here referred to, regarding the conduct of the Nawaubs Walajah and Omdut-ul Omrah, is true. He presumes that it refers to the charge of treasonable correspondence with Tippoo Saib, made against these Nawaubs after they were both dead. It has long been matter of public history that that charge was false, and was not supported by any evidence. But although the statement referred to had been true, are the Government of India and the British Government not the less bound by the treaty entered into with Azeemood Dowlah, and by the previous treaties to which it refers? These treaties are equally binding on both parties, according to their terms, whatever may be the correct account of the matters here unnecessarily brought forward. The statement, that the Nawaub Azeemood Dowlah was solely indebted for his titular sovereignty, and the pecuniary and other rights annexed to it, to the grace and favour of the British Government, your petitioner maintains to be incorrect, and an erroneous representation of the basis of the treaty entered into with that Nawaub. The Government of India, no doubt, selected Azeemood Dowlah as heir to the Musnud; but it was not to that Government, but to the rights, titles, dignities, and possessions of the Nawaubs of the Carnatic that he was indebted for his titular sovereignty, and for the pecuniary and other rights annexed to it by the treaty.

"4. We find that when, in 1801, the representative of the junior branch of the family of Walajah was placed on the Musnud by the act of the British Government, a formal announcement was made to the following effect: the conduct of the two previous Nawaubs, Walajah and Omdut-ul Omrah, had placed them in the position of public enemies of the British Government; that all antecedent right of the family had been forfeited; and that the Nawaub Azeemood Dowlah was solely indebted for his titular sovereignty, and for the pecuniary and other rights annexed to it, to the grace and favour of the British Government."

5. Your petitioner submits that nothing here stated can affect the treaty which was entered into.

"5. We find that Azeemood Dowlah fully acknowledged this fact; and that the original draft of treaty prepared by the Madras Government having contained words implying that the British Government did not confer a new, but recognised a pre-existing right, those words were, on that express ground, by the desire of the Marquis Wellesley, struck out, and others substituted which did not contain that implication."

6. The rights of your petitioner's family were not derived from the treaty of 1801, or from any treaty with the East India Company. Your petitioner has already shown that the terms of the treaty are not personal to Azeemood Dowlah; and that it is not material that there is no mention of heirs and successors in it. The Court of Directors here endeavour to show that the successions of the late Nawaubs, the son and grandson of Azeemood Dowlah, were only by the grace and favour of the Government of India. Your petitioner maintains, that what was secured to them and him by treaties, and not given to, or in any way acquired by, the Government of India, has not been given, and cannot be given, by that Government by grace and favour.

"6. The rights of the family being thus derived from the treaty of 1801, are necessarily limited by its terms, and those are exclusively personal to Azeemood Dowlah. There is no mention in the treaty of heirs and successors, nor any stipulation respecting descendants. Two successions, indeed, have since taken place, but on each of these occasions the question was regarded and treated as one subject to the decision of the British Government. On the first of these occasions, the Governor General acknowledged the son of Azeemood Dowlah as his successor in the mark and title of Nawaub of the Carnatic; but the meaning of that ambiguous term was cleared up by the declaration, his Excellency is pleased *to resolve* that the pecuniary provisions of the treaty of 1801 shall remain in force. On that last vacancy the family were expressly informed that '*it is the intention of Government* that the late Nawaub shall be succeeded in his state and dignity by his infant son.' It was thus distinctly held that the Government might have refused its assent to the succession even of a direct heir, and on the present occasion there are no direct heirs."

7. Your

7. Your petitioner confidently maintains that there is a direct, unequivocal, and onerous obligation on the British Government to continue the provisions of the treaty of 1801 in favour of any legal heir of the deceased Nawaub. As to the expediency of the course taken by the Government of India, your petitioner must be allowed to say, that whatever may appear expedient to the Honourable Court of Directors for their interests, and to suit their opinions, cannot, by any stretch of ingenuity or argument, or under any rule of right or law, be held to ignore and cancel your petitioner's treaty rights, and to deprive him and his family of their state, rank, property, and revenues. Your petitioner challenges the correctness, as well as the relevancy and propriety of the closing statements of this paragraph, regarding the "favouring the accumulation of an idle and dissipated population," "and the scandalous want of principle evinced in pecuniary matters." He denies that the Nawaubs of the Carnatic have favoured the accumulation of an idle and dissipated population, and he points to the peaceable and faithful conduct of your petitioner, his family, and adherents during the disastrous mutiny and rebellion of last year, and which still continues. With reference to the pecuniary matters referred to, your petitioner presumes that it is the contraction of debts by the late Nawaub, and by your petitioner, that is meant; and he has to state, that they at least incurred no debts beyond their means of ultimately paying them.

"7. In the circumstances, there cannot be any obligation on the British Government to continue the provisions of the treaty of 1801 in favour of any collateral relative of the deceased Nawaub's; while, in the absence of obligation, we entirely agree with the Madras Government in the opinion, that it would be highly inexpedient to do so. Such titular sovereignties, and the exemption they are held to confer from the common operation of the law, are always an evil, and, in the present case, their effect has (as was truly observed by Lord Harris) been morally most pernicious, 'not only by favouring the accumulation of an idle and dissipated population in the chief city of the Presidency,' but by the scandalous want of principle evinced in pecuniary matters, both by the late Nawaub and by his uncle, Azeem Jah, the nearest collateral relative.

8. This paragraph refers to your petitioner's Memorial on the subject of his rights addressed to the Honourable Court of Directors, and notices only that part of the Memorial which refers to your petitioner's having been recognised by the Government of India and its servants as the next heir to the late Nawaub. These instances of recognition remain simply as evidences of what the Government of India and its servants, at the dates mentioned, thought of your petitioner's rights. Your petitioner will not follow the Honourable Court into their explanations of these plain recognitions of your petitioner as the next heir to the late Nawaub, in the event of his dying without issue.

"8. Azeem Jah has addressed to us a Memorial, in which he professes to consider his right to the musnud as having been admitted by the Madras Government and by us. He cites with this view an expression in the Resolution of Government in 1843: 'The position which he holds in relation to his Highness the Nabob, and to his succession to the musnud;' and a passage from one of our letters to the Madras Government, dated 14th January 1829, in which he is spoken of 'as the next heir,' in case of the Nabob's demise. The subject then before us was, not the succession to the musnud, but the appointment of a physician to the young Nabob, and we had no intention whatever of entering into the question, what might be Azeem Jah's rights of inheritance. As the nearest of kin, we spoke of him as the heir to whatever could be legally derived from the Nabob by inheritance, but the Nabobship had never been considered by us to be heritable by heirs of right.

9. This is the foregone conclusion of the Court of Directors, and it has been reached, your petitioner humbly submits, without any just or correct premises.

"9. We therefore fully adopt the opinion of the Governor General and of the Madras Government, that the title and dignity of Nabob, and all the advantages annexed to it by the treaty of 1801, are at an end."

The 10th and 11th paragraphs of the Despatch refer to the provisions proposed to be made for your petitioner, and the officers of the late Nawaub's household and others by way of allowances and pensions, and to the payment of the debts of the late Nawaub.

12. Your petitioner presumes that it was in contemplation of the arbitrary measure of the seizure of the Nawaub's property, and the consequent undertaking of the payment of his debts, that this palace would at once be at the disposal of the State as public property. What other right have the East India Company or Government of India to this palace? It was the property of the late Nawaub, acquired by him by rights independently of the treaties, and your petitioner is his heir. As to the personal property contained in that palace, what is the nature of the right of the East India Company or Government of India to that property? Your petitioner is the representative of the late Nawaub in his personal estate.

" 12 (and last paragraph of the Despatch). We perceive that, in the contemplation of the Madras Government, the Palace of Chepauk will at once be at the disposal of the State as public property. Sir Henry Montgomery says that it was mortgaged, which might imply that it was considered to be private property. You will institute further inquiries upon this point; but whatever may be the correct view of the subject, we do not wish to see the ladies of the Nabob's immediate family deprived, against their inclination, of the privilege of residing in that edifice; and the most liberal consideration should be given to any claims they may prefer to portions of the personal property contained in the building."

Your petitioner will leave this Despatch without further comment, confidently submitting to your Honourable House that it does not contain the statement of any good reason, just cause, or legal ground for the course which the Government of India has taken, in refusing to acknowledge your petitioner as Nawaub of the Carnatic, and for depriving him of the rights, titles, dignities, and revenues which belong to him as such Nawaub, and for disowning him as the heir and representative of the late Nawaub in his real and personal estate. And your petitioner further submits to your Honourable House, that the course which the Government of India has taken in this matter, forms a direct and total breach and abnegation of the treaties existing between the East India Company and the Nawaubs of the Carnatic, and requires the interference of the British Parliament to repair that breach, and to restore these treaties, and to save the British name and Government from the course of error and wrong which the Government of India has thus entered upon, and is proceeding to carry out and perpetuate.

Your petitioner has waited patiently for a voluntary acknowledgment and restitution of his rights by the Government of India; the greater part of the time your petitioner being without the receipt, as he is at present, of any revenues or income whatever, in consequence of his rejecting the receipt of the allowance or pension offered him by the Government of India, and which your petitioner considers it to be an imperative and sacred duty to reject; and your petitioner has beheld with dismay and much sorrow the course of the desolating mutiny and rebellion which arose in the North Western Provinces of India a year ago, and has been marked by so many disasters and so much loss of life, both European and native, and which still continues to rage in these North Western Provinces.

Your petitioner is the head of a great Mahommedan family, and, though suffering under grievous wrongs inflicted by the Government of India, he has continued, together with his family and friends, the peaceable and faithful ally and supporters of that Government. But your petitioner, as one having right to speak on these matters, must assure your Honourable House that, while such breaches of public treaties as your petitioner has to complain of remain unredressed, and while the British Government, which has been too long and too closely associated with the Government of India, does nothing in India to separate itself from the Government of India and its obnoxious acts, it is impossible for the people of India, who, of late years, in consequence of these obnoxious acts (their knowledge and firm conviction of which cannot be removed by force), have lost faith in all the acts, promises, and engagements of the Government of India, to have any hope of better government, or any inducement to obedience, while that Government remains.

Your petitioner has also to state to your Honourable House, that he and his immediate family and friends are not, and will not, continue to be the only sufferers by the conduct of the Government of India, in refusing to acknowledge your petitioner as the Nawaub of the Carnatic, and in depriving him of his rights, titles and revenues; for there is a very large population, chiefly Mahommedan,

Mahommedan, in Triplicane, the neighbourhood of the usual place of residence of the Nawaubs of the Carnatic, the population of which amounts to about 60,000, and elsewhere, who have already experienced, and as the life-pensions and other allowances at present given by the Government of India out of the revenues of your petitioner fall in, will further experience, a great or total withdrawal of their ordinary means of living and business, and of their education and support. The Nawaubs of the Carnatic have invariably lived amongst, and expended their incomes and revenues in the midst of that population; and they have endowed charitable institutions, libraries, and schools for that population —a population which your petitioner is warranted in saying, is not excelled in learning, sobriety, and good conduct, by any population of the same extent anywhere in India.

That your petitioner altogether rejects the decision of the Government of India, as recorded in the Despatch of the Honourable the Court of Directors of 19th March 1856; and your petitioner claims, as the undoubted heir, representative, and successor of his late nephew, the Nawaub Mahomed Ghouse Khan, all the rights, titles, dignities, revenues, and property belonging to your petitioner, as such heir, representative, and successor, and as Nawaub of the Carnatic, and Soubahdar of Arcot, under the subsisting treaties between the East India Company and the Nawaubs of the Carnatic, and under the original rights of your petitioner and his ancestors, Nawaubs of the Carnatic; and to have these rights, titles, dignities, revenues, and property restored to him, as on and from the 7th October 1855, the day of the late Nawaub's death; and to be maintained in the possession of the same, according to the terms of the said existing treaties between his ancestors and the East India Company.

Your petitioner, therefore, humbly prays that your Honourable House may be pleased to institute an inquiry into the circumstances attending the refusal by the Government of India to acknowledge your petitioner as the Nawaub of the Carnatic, and to award and maintain to him all the rights, titles, dignities, revenues, and property belonging to him, as the heir, representative, and successor of the late Nawaub, and for that purpose, to order a return from the East India Company of the originals or true copies of all the treaties entered into between them and your petitioner's ancestors, Nawaubs of the Carnatic, and of all despatches and correspondence relative to the disowning and taking away, by the Government of India, of your petitioner's rights; and upon finding the statements of your petitioner to be consistent with truth and justice, at once to restore him to his said rights, or that your Honourable House may take such other measures as to your Honourable House may seem fit, for ascertaining the rights of your petitioner, and doing justice between the East India Company and Government of India and your petitioner, and for obtaining for your petitioner full redress.

And your petitioner, as in duty bound, shall ever pray.

The signature and seal of the petitioner.

Triplicane, Madras,
10 June 1858.

Done in the presence of me,

(signed) *Janay Jahan Khan*,
Secretary to His Highness.

THE CASE of His Highness Prince Azeem Jah, Nawaub of the *Carnatic*, and Soubahdar of *Arcot*, in support of the Petitions by His Highness to the Imperial Parliament of Great Britain.

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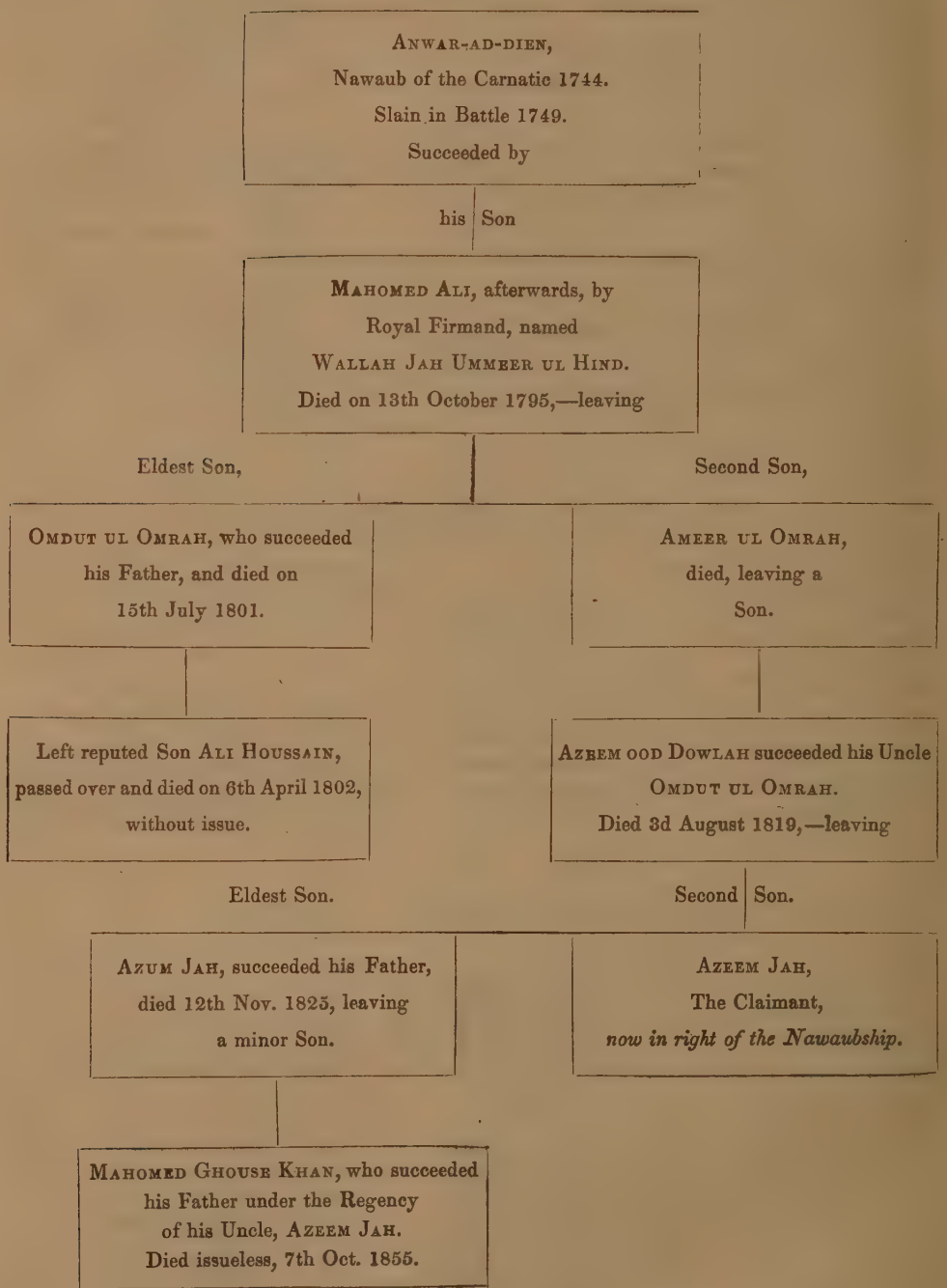

THE CARNATIC CASE.

On the 7th day of October 1855, his Highness Gholam Mahomed Ghouse Khan, Nawaub of the Carnatic, and Soubahdar of Arcot, after having enjoyed the honours of his elevated position for a period of 30 years, departed this life. He left no issue, and his uncle and nearest relative, Prince Azeem Jah, was entitled, according to Mahomedan law, to succeed him in the rights, titles, and revenues of the Nawaubship.

Prince Azeem Jah is the second son of his late Highness Azeem ul Dowlah, Nawaub of the Carnatic, who was elevated to the Musnud in 1801. He is the brother, by the same mother, of his late Highness Azum Jah, who succeeded to the Musnud upon the death of their father in 1819. And, as already stated, he is the uncle of his late Highness Gholam Mahomed Ghouse Khan, the next and last Nawaub, who succeeded in 1825, and to whom, upon the occurrence of that event, he being then an infant, his Highness Prince Azeem Jah, as next heir to the throne, was appointed Prince Regent, or, as it is termed in the native language, Naib-i-Mooktar.

Prince Azeem Jah was born not long after his father's elevation to the Musnud. By birth a prince, and from the earliest moment of his somewhat long life associated with an illustrious title, the immediate relative of successive sovereigns, surrounded by everything which in India gives the kingly title its importance, and for the last 30 years the openly recognised heir to the throne of his ancestors, his accession suddenly became only the unexpected signal for an unmerited and bitter degradation. Without a rival, without a crime laid to his charge, in the midst of peace, an attached ally of the British Government, it was made known to him that that Government, through the Honourable the East India Company, had, after a period of more than half a century, for the first time discovered that the treaty with his father extended not to the son, and that thenceforth the title of Nawaub of the Carnatic, which for centuries had been a title of power and dignity in India, and even, by its association with British arms and history, of world-known fame, was extinct, and the revenues by which its splendours had been maintained, and which for the last fifty-four years had been expressly provided and set apart for its maintenance by treaty, were now to be appropriated by that same power with whom the treaty had been made. Unfortunately for his Highness, that treaty had placed the collection of the revenues in the hands of the East India Company, and it became an easy matter to enforce their decision.

By this decision (which will afterwards be more fully explained) a great wrong was done to an innocent man; and to those acquainted with the facts, it is difficult at first to refrain from imputing to those by whom the decision was made, the unworthy motive of desiring to replenish an impoverished treasury, by denying the rights of one who was not able to resist their power. But from the imputation of such base injustice, any association of English gentlemen, unaccustomed to it in dealings amongst themselves, may well be freed. The British name has become proverbial amongst the nations of the world, for its strict fidelity to its engagements in all circumstances, whether these engagements should be to its gain or prove to its loss. Accordingly, by the very Act by which the sovereignty of the great Empire of India was transferred to the Queen, the Legislature took care expressly to provide that "all treaties made by the East India Company shall be binding on Her Majesty."

In considering, therefore, the decision of the Directors of the East India Company, it is not possible to conceive it, emanating as it does from a body of high-minded Englishmen, to have been dictated by anything but an honest and conscientious regard to considerations believed to be sound and accurate. Taking this view of the matter, it will be the business of this paper to show, in a manner conclusive and irresistible, that their consideration and decision were erroneous, and must have proceeded upon imperfect information of the real facts of the case.

Indian Territorial Dignities.

The Great Mogul. vol. i., p. 157.

The Nizam of the Deccan.

The head of the great Empire of India formerly was the Great Mogul, or Emperor of Delhi. "The dominions of the great Mogul," says Mr. Orme, "consist of twenty-two provinces, six of which, comprehending more than one-third of the empire, compose the Soubahship of the Deccan; the viceroy of which division is, by a title still more emphatical than that of Soubah, styled in the language of the court, Nizam-al-Muluck, or regulator of the empire: his jurisdiction extends in a line nearly north and south from Brampore to Cape Comorin, and eastward from that line to the sea. Golcondah, one of these provinces, comprehends what Europeans call the Nabobships of Arcot, Canoul, Cudapah, Raja-Mandrum, and Chicacole; so that there were under Nizam-al-Muluck thirty such Nabobs, besides several powerful Indian kings and many others of lesser note."

The Subahdar. Ibid. p. 35.

"From the word Soubah, signifying a province, the viceroy of this vast territory," Mr. Orme mentions at another place, "is called Soubahdar, and by Europeans improperly Soubah. Of the countries under his jurisdiction, some are entirely subjected to the throne of Delhi, and governed by Mahomedans, whom Europeans as improperly call Moors; whilst others remain under the government of their original Indian Princes or Rajas, and are suffered to follow their ancient modes, on condition of paying tribute to the Great Mogul. The Moorish governors, depending on the Soubah, assume, when treating with their inferiors, the title of Nabob, which signifies deputy; but this, in the registers of the throne, is synonymous to Soubahdar; and the greater part of those who style themselves Nawabs or Nabobs are ranked at Delhi under the title of Phous-dar, which is much inferior to that which they assume, signifying no more than the commander of a body of forces. The Europeans established in the territories of these pseudo Nabobs (if we may be allowed the expression), following the example of the natives with whom they have most intercourse, have agreed in giving them the title they so much affect." The Nabobs themselves, however, were frequently styled Soubahs or Soubahdars.

The Nabob.

It will thus be seen that under the Emperor was the Nizam or Soubah, or more correctly than both, the Soubahdar; and under the Nizam were the Nabobs. Under them again were various gradations of rank or office, into which it is needless, for the purposes of the present case, to make inquiry. The system bore in some respects, a resemblance to the feudal polity, and this not more in the subordination of successive superiors, than in other features. The offices were held partly by tenure of military service, and partly for payment of specified tribute. The Soubahs and Nabobs were bound to render to their superior military assistance, and the superior extended to them his protection. At first the offices were, like the feudal fiefs, personal and dependent upon the will of the Emperor, who upon the death of a Soubahdar, or of a Nabob, appointed his successor; but in course of time, and especially as the power of the Great Mogul declined, and as the advantages of hereditary rule were made apparent, the offices became hereditary, either tacitly or by express confirmation of the Emperor.

Military strength of Native Princes.

Orme, p. 126. Ibid. p. 138. Tenant, i. 350.

All of these potentates were possessed of great military power. At a time when the military maintained by the English might be counted by tens and units—their troops, in the words of Macaulay, being "scarcely numerous enough to man the batteries of three or four ill-constructed forts which had been erected for the protection of the warehouses at Madras"—Anwar-ad-Dien, a Nabob of the Carnatic, to whom attention will immediately be drawn, maintained a well-appointed army of 12,000 cavalry and 8,000 infantry, while the Soubah of the Deccan is mentioned as marching with armies of 300,000 fighting men. The army which the Emperor could call into the field, is stated to have amounted to 5,000,000 men. Whatever may have been the real strength of these armies as compared with European troops, their chiefs were held in great dread where they held dominion, and in no little awe by the European colonists.

The Carnatic.

The Carnatic is a province on the south-east of the peninsula of Hindostan. In length it is about 500 miles, and in breadth it varies from 70 to 120 miles. It is bounded on the north by the Northern Circars, on the west by the Province of Mysore, and on the east by the Coromandel Sea. The native capital town is Arcot, from which the Nawaub of the Carnatic has sometimes been termed the Nabob or Soubahdar of Arcot. The province contains a population of about 5,000,000 persons.

Upon an inquiry into the early history of the Carnatic, it is not of any importance to the present case to enter. But it is necessary to the proper understanding of the history of the events which took place towards the end of the last century, and

and upon the connexion of which the present case will be found in a great measure to turn, to go back to a period shortly antecedent to that in which the East India Company came to be connected with the Carnatic. And, first of all, it will be proper, by a brief sketch, to trace the elevation to the Musnud of the Carnatic of that august family of which Prince Azeem Jah is now the venerable and respected representative.

Events leading to elevation of present Royal family.

Upon the elevation in 1713 of Ferokhser to the throne of the Great Mogul, Cheen Kulich Khan was appointed to the Soubahdarry of the Deccan, and was decorated with the title which that Soubahdar for the first time bore, of Nizam-al-Mulk. At this time Sadatullah was Nabob of the Carnatic, and he held the reins of government under the Nizam till the year 1732, when he died. Sadatullah had no issue male. In conformity with a common Indian practice, he had therefore adopted *Dost Ali* and *Bâkir Ali*, the two sons of a brother. Bâkir Ali he made Governor of Velore, and Dost Ali he nominated to the Nabobship. Dost Ali accordingly succeeded, upon Sadatullah's death, to the vacant Musnud. He had two sons and four daughters. Of these daughters, one was married to *Mortiz Ali*, the son of his brother Bâkir Ali, Governor of Velore, and another to *Chunda Sahib*, who became dewan or minister of the Finances of the Carnatic under Dost Ali, his father-in-law, and will immediately be found to be acting a very prominent part in the affairs of that province.

The Hindoo Rajahs of Tanjore and Trichinopoly (petty tributary kingdoms within the Carnatic) had become alarmed at certain apparently ambitious proceedings of the Nabob Dost Ali and his son-in-law Chunda Sahib, and incited the Mahrattas, a neighbouring powerful military nation, to march to their assistance. In the month of May 1740, an army of 10,000 Mahrattas suddenly invaded the Carnatic. Dost Ali encountered the invaders, but he and his son Hassam Ali were killed on the field of battle. His other and eldest son, Sufder Ali, who now succeeded to the Nabobship, was advancing to his father's assistance when he heard of his death, and took refuge in Velore, where Mortiz Ali his brother-in-law (Bâkir Ali being dead) was now Governor. Mortiz Ali procured the assassination of the Nabob, attempted to establish himself in the Nabobship, and, in point of fact, went the length of proclaiming himself Nabob at Arcot in November 1742; but his own officers effected a revolt, and Mortiz Ali, in disguise, escaped to Velore, whereupon the army proclaimed Seib Mahomed Khan, the infant son of Sufder Ali, Nabob.

During this eventful period the attention of the Nizam had been engaged in watching another and distant part of his dominions. Upon being released from anxiety in regard to it, he, in March 1743, arrived at Arcot with an army consisting of 80,000 horse and 200,000 foot; and it may here be mentioned, as illustrating the importance and dignity attached to the office of Nabob, that when he arrived at Arcot he was struck with amazement at the anarchy which prevailed, every petty Governor having assumed the title of Nabob; so that one day, "after having received the homage of several of these little lords, Nizam-al-Muluck said that he had that day seen no less than 18 Nabobs in the Carnatic, whereas he had always imagined that there was but one in all the southern provinces. He then turned to his guards, and ordered them to scourge the first person who for the future should in his presence assume the title of Nabob." Orme, i. p. 51.

The Nizam treated Sufder Ali's son with respect, and appointed Coga Abdulla Khan, the general of his army, to the Government of the Carnatic during his minority. A few months afterwards, viz., in March 1744, Coga Abdulla died suddenly, believed to have been poisoned. Upon this, the Nizam appointed Anwar ad-Dien Khan in his stead. Anwar was the son of a man noted for his learning and piety. He had governed as Nabob at Yalore and Rajamundrum from 1725 to 1741; and from that period till this appointment took place, he had acted as Nabob or Governor of Golconda. Ostensibly, at least Anwar was only appointed Governor till the young Prince should arrive at the years of manhood; and, in the meantime, he maintained the Prince in a splendour adequate to his birth, and assigned the palace in the fort of Arcot for his residence. Shortly afterwards, upon occasion of the wedding of one of Sufder Ali's relatives, to which Mortiz Ali, the detested murderer of Sufder Ali, fell as a relation to be invited, the young Prince was cruelly assassinated by certain Pitan soldiers in his service, and Mortiz Ali had a second time to fly from Arcot, suspected of the crime. Thereupon the Nizam sent Anwar ad-Dien, who was an able and vigorous Governor, a June 1744.

Elevation of Anwar ad-Dien.

Sunnud of appointment as Nabob of Arcot. This *Anwar ad-Dien was the great great-grandfather of his Highness Prince Azeem Jah.*

Then position of India Company.

Previous to this time the East India Company had participated but little in the affairs of the Carnatic, and had not figured in its history. They had been only a weak and struggling mercantile body, contending with the Dutch, and afterwards with the French, for a share of trade. It appears only incidentally that they had acquired and held three villages in the neighbourhood of Madras from the Nabob of Arcot, which had been resumed by that Government; and that, for their restoration in perpetuity, the Company had humbly to petition the Emperor of Delhi, obtaining this, among other privileges, only after repeated applications, long delays, and in consequence of a lucky incident. Madras itself was built upon a piece of ground obtained in 1639 by grant from the Rajah of Chandragheri. Such, a century ago, was the extent of the Company's possessions in the Nabob's dominions. He was a powerful Sovereign; they were merely traders, holding small pieces of land within his territories, and dependent upon his favour for retaining even what little they had.

First Indian war between French and English.

About the period of Anwar ad-Dien's elevation to the Musnud or throne of the Carnatic, the French and English Governments at home had declared war, and hostilities were commenced in 1745 by the English in the Indian Seas. A small squadron of vessels of war threatened Pondicherry, the seat of the French colony in the Carnatic, situated on the coast about 85 miles south of Madras. M. Dupleix was then the Governor of Pondicherry; and, alarmed for its safety, he prevailed on the Nabob to issue his commands to the Government of Madras

The Nabob Anwar prohibits war in his territories.

that the English ships should not commit hostilities against the French within the territories of Arcot. The Nabob at the same time, however, intimated to the French that he would require them to observe the same law of inertion. The threats of the Nabob made so much impression upon the Government of Madras

French violate injunction, and take Madras.

that the ships were sent elsewhere. But De la Bourdonnais, by direction of the French Government, resolved, in violation of the Nabob's injunction, to strike a blow at the East Indian trade of the English; and in September 1746 anchored near Madras, which he bombarded, and the town capitulated. Viewing this as an affront, the Nabob sent an army of 10,000 men to revenge it, which was, however, on this occasion, repulsed. Thus commenced, 113 years ago, by a voluntary act on the part of the Nabob in a most critical juncture, the connexion between

Nabob comes to assistance of English, and founds the Alliance.

him and the English, which has subsisted unbroken through his descendants to the present day. Dupleix afterwards invested the English fort of St. David, situated to the south of Pondicherry, when the Nabob again sent an army to the relief of the English. His assistance was attended this time with more success; and Dupleix found that he could effect nothing against the English at St. David so long as they were assisted by the troops of the Nabob. He therefore had recourse to cunning and correspondence, and in course of time succeeded in detaching the Nabob's troops from the English; and St. David would also have fallen into the hands of the French, had not, in March 1747, the English squadron unexpectedly hove in sight. A fleet afterwards arrived from England, and an attempt was made by the English against Pondicherry, but the attempt failed, and Dupleix took advantage of the failure to impress upon the native powers an idea of the French superiority. Under the treaty of Aix-la-Chapelle, by which the English and French were in 1748 restored to peace, Madras was redelivered to the English.

French ambition.

Dupleix was a vain and ambitious man, possessed of very considerable ability, and burning with desire to extend the French power in India. With all his vanity, however, he united profundity as a politician, while he was possessed of rare address in the management of Indian affairs. He saw clearly that, on the one hand, the existence of any other Europeans in India, and particularly of the English, would be perilous to his hopes; and, on the other, that he never could succeed but through alliances with the native princes, and by simulating adhesion to the cause of some powerful chief. For the French to have ventured upon an open war of conquest on their own account would only have been to have invoked the contempt and vengeance of all the neighbouring princes. Naturally, with such views, he must side, not with the legitimate reigning powers, but against them; and the opportunity was found, just where it was most needful, in the province in which his schemes of aggrandisement must first find their vent, and against that ruler whose displeasure he had aroused.

When

When the Nabob Anwar ascended the Musnud it seems there was among the Carnatic chiefs a feeling against his elevation, and in favour of the family of Sadatullah, which for several generations had ruled in peace, and with advantage to their subjects. Chunda Sahib, although only a member of the family by marriage, resolved to avail himself of this feeling, and was watching his opportunity, although detained a prisoner by the Mahrattas. Dupleix, quick to discover his man, and skilful to turn his vigilance to account, used every art to promote an alliance, and ultimately guaranteed the heavy ransom which released him from captivity. In 1748 Nizam-al-Muluck died at an advanced age. He had obtained his eldest son appointed to the high office of Ameer ul Omrah at the Court of Delhi. His second son, Nazir Jung, had hitherto in his absence managed the affairs of the Deccan, and upon the Nizam's death he assumed the Government. A rival, however, started up in the person of Moozuffer Jung, his nephew—a favourite grandson of the late Nizam Moozuffer Jung. He had been, for several years during the life of his grandfather, Nabob of Beejapore, and it was given out and believed he had been nominated, by his grandfather's will, successor to the Soubahdarry. At this time Chunda Sahib was at the head of 6,000 men. He immediately entered into a league with Moozuffer, and was joined by the French. Moozuffer was prevailed upon to commence the campaign in the Carnatic; and the combined forces attacked the city of Arcot, which, after a very stubborn resistance, was taken. Anwar ad-Dien, the Nabob, who had reached the great age of 107 years, was slain in the engagement, and his son Mahomed Ali escaped with the remains of the army to the strong fort of Trichinopoly. Moozuffer and Chunda Sahib neglected the advice of Dupleix promptly to follow up their advantage; and Nazir Jung, who had been marching to Delhi, having heard what had taken place, retraced his steps, and advanced into the Carnatic with an army of 300,000 fighting men, with 800 pieces of cannon, and 1,300 elephants. He thereupon summoned Mahomed Ali to join him, and despatched letters to Fort St. David requesting the English to send a body of Europeans.

Chunda Sahib conspires against the Nabob Anwar.

Alliance with French.

Anwar slain, and succeeded by Mahomed Ali.

The Nizam takes the field.

From the beginning of 1747 the English had been intriguing both with Nizam-al-Muluck and Nazir Jung against the French; and a mandate had been issued to Anwar, directing him to protect, aid, and assist them in all respects, and to use his best endeavours for the chastisement of the French and recovery of Madras. The arrival of Moozuffer Jung, the defeat of Anwar, and the apprehended schemes of Dupleix, had struck the English with alarm. They saw the dangers to which they were exposed, but were incapable of acting with the necessary vigour. They had allowed the fleet, with troops, to sail for England, and only 120 Europeans were sent to support Mahomed Ali at Trichinopoly. But upon the arrival of Nazir Jung, Major Lawrence, with 600 Europeans, joined his immense army in the capacity of Allies.

The French retreated in the face of this force, leaving Moozuffer and Chunda Sahib in a state of despair. Moozuffer yielded himself up to his uncle, by whom he was placed in fetters, and Chunda Sahib retreated with his troops to Pondicherry. Hostilities took place; and although the French obtained some advantages, they could not have maintained the field very long against Nazir, had not Dupleix entered into correspondence with some of Nazir's Patan chiefs, who were incited to treachery, and by one of whom Nazir Jung was shot through the heart. Moozuffer Jung was now freed from his imprisonment, and assumed the authority of Soubahdar. Dupleix was appointed by him Governor of the Mogul dominions on the coast of Coromandel, from the river Kistna to Cape Comorin, being the full extent of the Carnatic, or rather more; and Chunda Sahib was appointed his deputy at Arcot. Thereafter Moozuffer Jung set out with his army towards Golconda, in the Deccan. On the march the Patan chiefs who had joined his standard revolted, and in the conflict which ensued Moozuffer was slain. Upon this emergency, the French general at once resolved to elevate Salabut Jung, the eldest surviving son of the Nizam, who was present in the camp. Salabut Jung became thenceforth the French Soubah, and promised the same concessions to the French which had been made by his predecessors, and the army continued its march towards Golconda. "The Europeans in India," says Mr. Mill, "who hitherto had crouched at the feet of the meanest of the petty governors of the district, were astonished at the progress of the French, who now seemed to preside over the whole region of the Deccan. A letter to Dupleix from a friend in the camp of Salabut Jung affirmed that in a little time the Mogul on his throne would

The French retreat.

Nizam murdered, and Moozuffer elevated.

Moozuffer slain, and French elevate Salabut Jung.

Vol. iii., p. 79.

would tremble at the name of Dupleix; and, however presumptuous this prophecy might appear, little was wanting to secure its fulfilment."

The English, with their ally Mahomed Ali, were now sunk in apathy and despair, and, in conjunction with him, made proposals which were haughtily declined. The English then took the field, and at first suffered repulses, on one occasion, with disgrace, flying from the field, leaving the native troops fighting. Then was it that Clive, having obtained the command of a small force, attacked and took Arcot, and made that ever-memorable defence of that place which first gave a name to the British arms in India, and may be said to have been the turning point of their career in that empire. This, however, was a mere diversion. The enemy's efforts were directed to the reduction of the strong fort of Trichinopoly, which Mahomed Ali was occupying. In the difficulties which befell Mahomed Ali, he applied to the Mysoreans, and obtained from them a force of 20,000 men. The King of Tanjore likewise sent 5,000 men, and Lawrence arrived with 400 Europeans and 1,100 sepoys. By aid of these forces, and the vigorous proceedings which were adopted, the enemy were driven to extremity, and Chunda Sahib surrendered himself to the King of Tanjore, who immediately ordered him to be assassinated, the English general not esteeming himself sufficiently powerful to interfere.

Death of Chunda Sahib.

The hostilities which had been commenced to unseat Mahomed Ali, and ostensibly to elevate Chunda Sahib, but more truly on the part of the French to drive the English out of the Carnatic, and make themselves supreme, were, however, after Chunda Sahib's death, resumed, and continued till October 1754. But the war had become exceedingly hateful to the directors and proprietors of both the English and French companies in Europe; and in January 1754, Dupleix had opened a negotiation with Saunders, the Governor of Madras. "The real point in dispute," says Mr. Mill, "was, *whether or not Mahomed Ali should be acknowledged Nabob of the Carnatic*, the English contending that he should be recognised by the French, the French contending that he should be given up by the English." The dispute turned upon title, the French stating that they held patents from Moozuffer Jung and Salabut Jung, confirmed by the Great Mogul, in favour of Dupleix and Chunda Sahib. The English stated that they held patents from Nazir Jung, Gazee o deen Khan, the eldest son of the Nizam, and the Great Mogul, in favour of Mahomed Ali. The English proposed to meet the difficulty by a compromise, by which Salabut Jung should be recognised as Soubahdar, and Mahomed Ali as Nabob, on condition of Salabut Jung confirming the other's appointment. But Dupleix "was so intoxicated by his connexions with Salabut Jung, and his notions of his own authority in the Carnatic, that he rejected Mr. Saunders' proposal with disdain." In the meantime a discovery was made that the patent, which the French produced from the Great Mogul, was a forgery, and the conference, on its eleventh day, was broken off.

Conference between French and English. Vol. iii., p. 95.

Orme, vol. i., p. 339.

The parties in Europe met each other in a better spirit, and agreed that a negotiation should be conducted in India, between Mr. Saunders, the English Governor, and M. Godeheu, as Commissioner sent out on the part of the French, superseding Dupleix, whose ambitiousness was odious to both nations. A Provisional Treaty was concluded in December 1754, by which "everything for which they had been contending was gained by the English; every advantage of which they had come into possession was given up by the French, by a stipulation to withdraw effectually from interference in the affairs of native princes. Mahomed Ali was left, by the fact, Nabob of the Carnatic, or Arcot." The expectations that the blessings of peace would be secured by this Treaty were, however, completely deceived; "it procured not so much as a moment's repose." Dupleix was recalled; but shortly afterwards Count de Lally, an able and ambitious military commander, was sent out by the French Government, and, in consequence, for a series of years, the Carnatic became again the theatre of war, in the course of which, that there might not be wanting a pretext for their hostilities, the French decorated Rajah Saheb, the eldest son of Chunda Saheb, with the title of Nabob. The war was attended with varied success; Arcot was taken and retaken, but at last the arms of the allies triumphed; the triumph of the English and of Mahomed Ali being completed by the taking of Pondicherry in 1761.

Provisional treaty between the English and French.

Mill, vol. iii., p. 98.

War renewed by French.

Mill, vol. iii., p. 103.

Ibid., p. 162.

Allies triumph.

The English were now in the ascendant; but the wars were attended with immense expense, were productive of much and continual bloodshed (many thousand men having been killed in the struggle), and were a source of continual injury

injury to the country, and of disturbance to the proper collection of its revenues, and prosecution of its trade and industry. It can scarcely, therefore, be matter of surprise, that both the French and the English in Europe were most desirous of their termination. Accordingly, when the terms of the Treaty of Paris, of date 10th February 1763, came to be adjusted, the restoration of peace in India became the subject of an express Article, in which it was agreed that, "*in order to preserve future peace* on the coast of Coromandel and Orixa, the English and French shall *acknowledge Mahomed Ali Khan for lawful Nabob of the Carnatic*, and Salabut Jung for lawful Soubah of the Deccan." Mahomed Ali was thus, by a solemn Treaty, "*acknowledged*" by both the European nations as Nabob, and the terms of the Treaty show that this acknowledgment removed all the pretence there was for war. Mahomed Ali, in truth, both by birth and otherwise, was the person legitimately entitled, or naturally having right to that high station. All the others were pretenders or adventurers who were thrust forward by the French, to give an excuse for their appearing in the field, and obtaining the assistance of the native princes to the ambitious projects of their leaders.

Treaty of Paris, 1763, acknowledges Mahomed Ali.

Chalmers' Collections of Treaties, vol. i., p. 476.

In agreeing upon the acknowledgment, however, of the French Soubah, Salabut Jung, the framers of the Treaty had not been aware that that personage had been previously dethroned and imprisoned by his brother, Nizam Ali, who, upon learning the terms of the Treaty, caused him immediately to be put to death, and thus became, without a rival, Soubahdar of the Deccan.

Nizam Ali becomes Soubahdar of the Deccan.

The English Company had, prior to the Treaty, become desirous of obtaining from the Great Mogul, the confirmation, among other things, of Mahomed Ali's title as Nabob of the Carnatic, and of certain grants of land which, as will be afterwards mentioned, they had obtained from him in Jaghire. In the general letter from Bengal, dated 12th November 1761, it is said—

Application to the Great Mogul to confirm Mahomed Ali.

"We directed Major Carnac and Mr. M'Gwire, and afterwards Colonel Coote and Mr. M'Gwire, to apply, as soon as Shah Allum should be acknowledged king, for Sunnuds for the Company's possessions and privileges in Bengal. . . . We directed, also, application to be made at same time for the Sunnuds for the Provinces of Arcot, in the name of the Nabob Aly Verdi Cawn, otherwise called Mhamud Ally Cawn, with whom we have been so long allied. These requests were made by Major Carnac, who was detached by Colonel Coote to escort the king to the borders of the Province; and the king wrote upon the papers of Requests, that they should be granted whenever a proper Peskouh or Tribute was remitted. The Major transmitted to us copies of the said papers of Requests, with the king's superscription; and advised us, at the same time, that the king had offered to confer on the Company the Duannee of Bengal, on condition of our being answerable for the Royal revenues; but as we are sensible that our accepting of this post would cause jealousy and ill-will between us and the Nabob, we thought it more prudent to decline it."

The answer of the Directors upon this subject was contained in their general letter to Bengal, dated 9th March 1763, in the following terms:—

"Your refusal of the Duannee of Bengal, offered by the king, was certainly right, and we are well satisfied with the just and prudent reasons you give for declining that offer. However, it seems something extraordinary to us, that at the time the king makes this advance he should return the applications made to him for the Sunnuds to confirm our privileges and possessions in Bengal, granted by the late and present Nabob, in so loose and unsatisfactory a manner, and even to require a piscah or present before he passes the order in due form. The great services we had rendered his majesty, and the generous treatment he met with from us, as well as from our ally the Nabob, during his stay at Patna, surely claimed a more distinguished treatment, and at least a full grant of our request, without such an expensive demand annexed. The time and manner of the refusal seem likewise very extraordinary, your applications being returned at the very juncture Major Carnac was escorting him to the Caramnassa, or borders of the Province, a service which must then be fresh in the king's memory; and, therefore, we think there is reason to apprehend the king is not so cordially attached to us as we might have expected. However, if you judge the obtaining such Sunnuds to be absolutely necessary, you have, we doubt not, continued your application to have them perfected. *It was a prudent consideration in you to add to your applications on this subject our ally, Verdi Cawn,* otherwise called Mhamud Ally Cawn, *as Nabob of Arcot,* which, we suppose, you have or will continue to do when you think proper to move again in this affair; and should the king succeed in his pretensions to the throne, the sooner the grants are obtained, the less, we apprehend, will be the expense attending it."

Com. Third Rep. 1773, p. 383.

In the following year the Directors of the East India Company addressed the following letter to the Nabob:—

"*To his Excellency Umdatul Mulk Serajah Dowlah Anaverdean Cawn Behaudor Munsoor Jung, Nabob of the Carnatic Payngaut.*

"MAY IT PLEASE YOUR EXCELLENCY,—

"Amidst the deep concern with which we are touched on account of the disorders which have arisen in the Kingdom of Bengal, we have the satisfaction to learn that the friendship which has so long subsisted between your Excellency and the Company is daily increasing. The assurances Mr. Pigot, our late Governor of Madras, has given us of your continued attachment to the Company, and the strong proofs you have yourself produced of your generous attention and goodwill, in taking on yourself the whole charges of the sieges of Madras and Pondicherry, and in the grants you have lately made to the Company of lands in the vicinity of Madras, are pleasing and acceptable to us in the highest degree. We are at a loss how to express our acknowledgments, otherwise than by the strongest assurance of our firm intention to prove to you at once the sincerity of our past, and the warmth of our present friendship, by supporting you in the most effectual manner in your government, and by endeavouring, as much as in us lies, to perpetuate the succession thereof in the direct line of your family.

"The good effects which have been derived both to your Excellency and to the Company, from the cordial friendship which has at all times subsisted between you and our late Governor, Mr. Pigot, have been so conspicuous, and his conduct in this respect particularly has given us so much satisfaction, that we thought proper, on his arrival here, to receive him with the most honourable testimonials of our approbation.

"May your Excellency long continue to enjoy the blessing of a peaceful and prosperous government, with continued increase of honours and wealth.

"In testimony whereof we hereunto affix our Great Seal, in the City of London, this first day of the month of June, in the year of our Lord One thousand seven hundred and sixty-four."

In evidence of the Company's friendly feelings, thus expressed towards Mahomed Ali, and of their desire to maintain him and his descendants in the throne of the Carnatic, they renewed their application to the Emperor for the Royal Grant in his and their favour.

The Royal Firmaunds granted 1765.

The Royal Firmaunds, however, were not obtained until August 1765. On 12th August 1765 the Emperor Shah Allum granted a confirmation in favour of the English Company, their heirs and descendants for ever and ever, of the grants by the Nabob from the Circar of the Carnatic. And on 26th August 1765 the Emperor granted a Firmaund confirming Mahomed Ali's right and title to the Nawaubship of the Carnatic. This important document confirmed a previous Firmaund of the Emperor Ahmed Shah in Mahomed Ali's favour, dated in 1750, and conferred upon Mahomed Ali and his eldest son, *and their heirs for ever*, the government of the Carnatic Payen Ghaut, and the countries dependent thereon, to be held immediately of him, the Emperor, without dependence upon the Soubahdar of the Deccan. By the same Firmaund he bestowed upon the Nabob Mahomed Ali the new titles of Walla-Jah, Ummir-ul-Hind, which he ever afterwards used.

Another Firmaund, dated 12th August 1765, was likewise granted to the Company, conferring upon them the Five Northern Circars, which formed a part of the Soubah of the Deccan, from dependence upon which they were accordingly thereby released. To take possession of these provinces General Calliaud marched with the troops of the Carnatic. Nizam Ali, the Soubah, immediately took steps to avenge himself, and was preparing to invade the Carnatic, when the Presidency, alarmed at the prospect of war with the Soubahdar, sent orders to Calliaud to negotiate a peace. Arrangements were accordingly concluded with the Nizam, and a treaty was subscribed by the parties. The only part of the arrangement, of present importance, was that by which, in consideration of a payment by the Nabob of 50,000 *l.*, he secured for himself and his successors a discharge of all demands by the Soubah against him and them. The discharge is in the following terms:—

Treaty between English and Nizam. Sunnud of release by Nizam to Nabob.

12 Nov. 1766. Vol. of Treaties, p. 367.

"In consideration of the fidelity and attachment, the said Omdet-ul-Mulck Behauder (Mahomed Ali) has promised and engaged to my Court, by the means of General Calliaud, and in return for the sum of five lacs of rupees (agreeable to the petition hereto mentioned, countersigned by us), *this discharge* is now given to him, the said Omdet-ul-Mulck,

his

his sons and heirs, for the whole of the above-mentioned countries (the Carnatic Payen Ghaut, from the borders of the Palnaud country to the further extremity of those of the Malavar country), *as well past, present, as the future also.*"

At the same time, with a view to remove doubts and suspicions from the mind of the Soubah regarding the Nabob, and to "strengthen and establish in the strongest manner the alliance, attachment, and fidelity between his Highness" the Nabob and the English Company, General Caillaud subscribed an obligation, by which he engaged, on the part of the Nabob, that he would "do nothing prejudicial to the interests of his Highness, or contrary to the friendship and alliance by the means of the said Company, now happily established between them, for the true and just performance of which the aforesaid Company do hereby become securities." Vol. of Treaties, p. 368.

This alliance with the Nizam was of short duration. Hyder Ali soon afterwards succeeded in gaining over the Soubahdar, and concluded a treaty with him. He prepared to invade the Carnatic, and Mahomed Ali suggested to the English to attack the Nizam before he could effect a junction with Hyder. His advice was neglected; the English were attacked by the united forces, and had to fly; the country was desolated by Hyder, who marched to Madras. Fortunately the English were reinforced, and in an engagement with Nizam and Hyder the latter were defeated, and had to retire. The Nizam had previously made overtures of peace, and his motions were now quickened by this disaster. Negotiations were opened between him and the English and the Nabob, who in all these affairs lent the English his assistance. The result was a treaty, dated 23d February 1768, entitled,

Treaty of 1768 with Nizam.

"A treaty of perpetual friendship and alliance, made and concluded at Fort St. George, between the Honourable United Company of Merchants of England trading to the East Indies, *in conjunction with the Nabob Wala Jah*, Omdut-ul-Mulck Ummeer-ul-Hind Serajah Dowlah Annever-Deen Khan Behauder Monsoor Jung Sippa Sirdar, of the Carnatic Payen Ghaut, on the one part, and the Great Nabob, high in station, Ausuph Jah Nizam-ul-Mulck Meer Nizam Ally Khan Behauder Futeh Jung Sippa Sirdar, Soubah of the Deccan, on the other part; by the Honourable Charles Bourchier, Esq., President and Governor of Fort St. George, and the Council thereof, on behalf of the said English East India Company; the Nabob Wala Jah Omdut-ul-Mulck, on behalf of himself as Nabob of the Carnatic; and the Nabob Recun-ud-Dowlah Dewan, invested with full powers, on behalf of the said Nabob Asif Jah Nizam-ul-Mulck, his heirs and successors, as Soubah of the Deccan." Vol. of Treaties, p. 369.

This treaty referred to the previous treaty of 1766, and contained various provisions, and, among others, by Art. 6, it was agreed,

"That a mutual peace, confidence, and friendship shall subsist for ever between the English Company, his Highness Ausuph Jah, and the Nabob Wala Jah; the enemies of either shall be regarded as the enemies of the other two powers, and the friends of either be treated as the friends of all; and in case any trouble should arise, or any enemies invade the countries under the government of either of the contracting parties, the other two shall give no countenance or assistance to such enemies or invaders."

The most important, however, of the articles of this treaty to the present question was the 7th, which is as follows:—

Nabob released from dependence on Deccan.

"The exalted and illustrious Emperor Shah Allum having been pleased, out of his great favour and high esteem for the Nabob Wala Jah, to give and grant to him, and his eldest son Meyen-ul-Mulk Omdut-ul-Omrah, *and their heirs for ever*, the government of the Carnatic Payen Ghaut, and the countries dependent thereon, by his Royal Firmaund, bearing date the 26th of August 1765, or the 27th of the moon Zuphur, in the sixth year of the said Emperor's reign; and the Nabob Ausuph Jah Nizam-ul-Mulck, &c., having also, out of his affection and regard for the said Nabob Wala Jah, released him, his son Meyen-ul-Mulck, &c., *and their heirs in succession for ever, from all dependence on the Deccan*, and given him a full discharge of all demands, past, present, and to come, on the said Carnatic Payen Ghaut, by a Sunnud under his hand and seal, dated the 12th of November 1766, in consideration of the said Nabob Wala Jah having paid the Soubah five lacs of rupees, *it is now agreed and acknowledged* by the said Ausuph Jah Nizam-ul-Mulck, that the said Nabob Wala Jah, and after him his son Meyen-ul-Mulck, *and their heirs and succession, shall enjoy for ever*, as an ultumgau or free gift, *the Government of the Carnatic Payen Ghaut in the fullest and amplest manner*, the said Nabob Ausuph Jah promising and engaging not to hold or keep up any kind of correspondence with any person or persons in the said Carnatic Payen Ghaut, or in the Sircars before and now ceded to the English Company, except the said Nabob Wala Jah, or the said English Company, by the means of their President and Council of Madras, who, on their part, in

conjunction with the said Nabob Wolau Jah, engage likewise not to hold or maintain any correspondence with any person or persons in the Deccan, except the Nabob Ausuph Jah, his Dewan, and the securities whose names are hereunto subscribed."

Mahomed Ali thus by every power acknowledged.

By this treaty, therefore, the Royal Firmaund of the Emperor in favour of the Nabob Wala Jah was recognised, not merely by the Soubahdar, but by the English Government, while the Soubahdar himself, so far as he was concerned, confirmed or conferred upon the Nabob, in free gift, the Government of the Carnatic. Thus, by every power concerned, by the Emperor, by the Soubahdar, and by the English Company, the right of Wala Jah to the Nabobship or Government of the Carnatic, was expressly acknowledged in the most solemn manner; while it is most important to observe that these documents prove, not merely their right, but that it flowed from the lawful native authorities, and was not in any view the creation of the English Company. Nor is this observation wholly unnecessary, for there have been persons ignorant enough to have supposed that Wala Jah, as Nabob, derived his title and right from the English, and was some mere dependant of the Company, or, at all events, he was the tolerated ruler of a conquered kingdom. Such an idea is not to be discovered as existing in the mind of any one at the period at which we have now arrived. It could not be. It was directly contrary to the fact. *He was found an independent prince.* The English had gone to war *for* him, *but they had never gone to war against him.* His position could not, therefore, have been changed, and necessarily the whole course of the Company's dealings with him was upon the footing of his being a Sovereign in his own right. Thus the Nabob himself writes:—

His title derived from native authorities.

The Nabob an independent prince.

14 Oct. 1775. Fifth Report of Committee of Secrecy, p. 97.

"By the blessing of God *I am an hereditary prince,* and a firm and steady friend and ally of the King of Great Britain, and am the most attached to the English nation of all the princes of India. My friendship and sincere regard to them has been frequently put to the test both in times of prosperity and adversity; and, through the strict connexion which subsists between me and the Company, our concerns are the same, and my country is independent of every Sirdar, however powerful, by means of my alliance with the King of Great Britain."

So far removed, however, from discussion was the subject, that the mention of the title is at first, at least, only incidental. Thus, in the draft of a treaty between the English and Dutch East India Companies and the Nabob, which was prepared by the Madras Government in January 1781, the Nabob Wala Jah is incidentally thus designated, "who is the Sovereign of the Carnatic Payen Ghaut."

Sixth Report, p. 1036.

His right, indeed, was expressly acknowledged in the agreement entered into between the Company and the Nabob in December 1781. This agreement took the form of requests and replies; and the second article of the Nabob's requests was in the following terms:—

Sixth Report, p. 1082.

"*I am hereditary Prince of the Carnatic and of Balla Ghauts, under Peanghaut, and am independent of every one,* and I have entire right and authority over my country, my children, my family, my servants, and subjects, and have power in the political and domestic administration of my country. This ought to be altogether dependent on me, and let not my friends interfere in it." The reply of the Honourable the Governor General and Council went beyond the request. "The right and authority which the Nabob possesses over his country, his children, his family, his servants, and subjects, in all the political and domestic administration of his country, *we will maintain and support.*"

Papers relating to Carnatic, printed 1803. Vol. vi., p. 226.

At a much later period a legal difficulty arose out of the position of the Nawaub; and in the following Despatch in relation to it, it is very distinctly laid down what was the status of his Highness:—

EXTRACT of Political Letter.

"Fort St. George, 18 March 1801.

"Para. 17. IN our Despatch of the 9th October last, we apprised your Honourable Court of the probable agitation before the Court of Recorder of questions relative to property of his Highness the Nabob of the Carnatic, situated within the limits of the Court. An application had, indeed, already been submitted to us by Mr. Latour, but we postponed any decision on the points stated by that gentleman, from an earnest desire that his Highness the Nabob should be induced to anticipate, by an amicable adjustment of the accounts, the necessity of defining the nature of his Highness's situation with respect to the jurisdiction of the Recorder's Court.

"18. All endeavours having, however, failed to produce a conciliatory disposition on the part of his Highness the Nabob, *we consulted the opinion of the Attorney General on this case, and*

and informed Mr. Latour that we considered the Nabob of the Carnatic to be an independent prince, representing himself in the British territories, now subject to the jurisdiction of the Court of Recorder, and that his Highness was therefore entitled to the rights and immunities secured to foreign ambassadors by the law of nations and the statute of Queen Anne. But we did not limit the Nabob to the privileges of an ordinary ambassador. Adverting to the nature of the connexion formed between his Highness's family and the British Government in India, and to the establishment of the seat of his Highness's political government in the vicinity of Madras, we deemed it incumbent on the national honour and justice to extend to his Highness, and to his family, the rights and immunities of *a foreign ambassador in a superior degree*."

Right conferred upon him and his descendants.

But while the documents to which reference has been made expressly established Mahomed Ali in the throne of the Carnatic, it is equally important to observe that they as expressly conferred that right upon his descendants. It has been seen that the Company itself promoted the application to the Emperor for confirmation of the Nabob's right. In the letter from the Directors to the Nabob, dated 1st June 1764, already quoted, they expressed their desire to manifest their friendship, "*by endeavouring, as much as in us lies, to perpetuate the succession thereof in the direct line of your family.*" Accordingly, the Firmaund which was obtained bore expressly, as the above quotation from the Treaty of 1768 shows, that it was granted in favour of "the Nabob Wala Jah and his eldest son Meyen ul Mulck Omdut ul Omrah, *and their heirs for ever;*" while the Soubah agrees with the Nabob that he, and "after him his son Meyen ul Mulck, *and their heirs in succession, shall enjoy for ever*" the Government of the Carnatic. The grant so made in favour of the Nabob's descendants received the entire concurrence of the English power. His late Majesty George III., in a letter to the Nabob, dated 19th March 1771, expressed the Royal hope or wish: "We are satisfied that our friendship and protection *to you and your posterity* will descend through our successors *from generation to generation.*" The Directors themselves employed terms even more explicit; for upon the 25th November 1775, they wrote to the President and Council at Fort St. George, "You are to secure to his Highness's children the government of the Carnatic *in a just and lineal succession, according to the Firmaund* from the Emperor Shah Allum and the Treaty of 1768, between the Company, the Soubah of the Deccan, and the Nabob.

Alliance with Nabob a political necessity.

These acknowledgments and directions on the part of the Company were, no doubt, dictated by the warmest feelings of friendship towards an eminent, constant, and important ally, but they may not have been without their political use. It is very true that the Company had at that time attained to considerable power in India, and particularly in the southern portion of the peninsula, and they had made the English name to be both feared and respected; but, at the same time, they had not attained to the position which they now occupy, of being the predominant power. They had many enemies among the native princes, and these princes were very powerful. It was, therefore, a matter of importance to cultivate and retain the friendship and alliance of the Nabob Wala Jah. It might be that his power alone could have made but feeble resistance of itself to the English forces; but he might have leagued himself with one of the great native powers; and had he done so, there were times when it might have occasioned the entire eradication of the English from the Carnatic. Fortunately for him, and, it may be said with some confidence, for the English Company, he maintained throughout his whole life the most cordial friendship and strictest alliance—an alliance which endured in his person for the remarkable length of half a century. It was accordingly as an esteemed friend and as a close ally that he was regarded by the English Company.

How relations with Nabob viewed.

And it may not be unimportant now to introduce a few excerpts, by which this relationship, and the views and anxieties of the parties, become more fully apparent. Here, in the first place, the letters of the Nabob are very explicit. A quotation has already been made from one of his letters. The following is an extract from another letter from him, dated 23d February 1779:—

First Report of Committee of Secrecy, p. 219.

"I have lived in strict friendship and alliance with the Company and English nation near 40 years, during which time I have spent the best part of my life, and all my treasures, in reducing their enemies. When those enemies were superior to them in force by ten to one, I have, in every respect, continued the unalterable and firm friend of the English, and considered their loss as my own. When the king and the princes of this country saw the rectitude which the English observed in all their dealings, and their attachment and sincerity, they desired to make friendship with them through my mediation, and to have their protection. I have repeatedly given assurances of this to former governors, and we have

had frequent opportunities of trying who were our friends and foes, and of settling our affairs in Indostan, in such a manner that we should have no fear of having our tranquillity afterwards disturbed."

The following are extracts from the writings of the Company:—

EXTRACT from Letter of Hon. Court of Directors, dated 30 June 1769.

Fifth Report of Committee of Secrecy, p. 28.

"YOU will see, by the whole tenor of our letters to you and the other Presidencies, that we are rather jealous of the Maratta Power; yet we have sought to continue in peace with them, and to keep up a friendly intercourse; but if they think fit to take a hostile part against us, to send you insulting messages, and to brave your port with their grabs, it is time to take vigorous measures for preserving that respect which we have hitherto held on your side of India. When you wrote your letter of the 13th December, giving an account of the Maratta fleet cruising off the harbour, and of the insolent answer of Vissajee Punt, you had ships in your harbour more than sufficient to have destroyed his fleet, or brought him to a more becoming and explicit declaration; and when Madarao informed you that his designs were to demand the chout from the Nabob of Arcot, preserving at the same time towards the English, you should have told him that those two things were incompatible; *that the Nabob of Arcot was, as he knew, in firm friendship and alliance with the English;* and that any demand made upon him at the head of an army laying waste his country would be answered by the English forces in all parts of India, who never would suffer a people under their protection to be distressed and plundered under any pretence whatsoever. That accounts should be settled between their respective agents in the usual manner; and, if anything was due from the Nabob of Arcot, your good offices should be employed in bringing the matter to an amicable conclusion. This sort of language, with some vigorous preparations at the same time by sea and land, would have been more likely to preserve peace with the Marattas, than the silent respect with which you seem to have received all their insults."

EXTRACT from General Letter to Fort St. George, dated 10 April 1771.

Second Report of Committee of Secrecy, p. 571.

"HAVING expressed to our select committee the earnestness of our desire that *every conciliatory measure* should be employed to remove from the Nabob's mind any jealousies, and *eradicate any suspicions*, he may have unjustly conceived respecting the *sincerity of our attachment to him*, we shall here confine ourselves to your inquiry concerning the disposal of the jaghire lands at the expiration of the present cowle. Impressed as we are with the most friendly disposition towards the Nabob, we can by no means think of increasing his jealousy, or depriving him of the least degree of importance, by not admitting him as a renter of the Enaum lands."

LETTER, President and Council at Fort St. George, to the Governor General and Council of Bengal, 7 December 1774.

First Report of Committee of Secrecy, p. 258.

"WE come now to speak of the Nabob of Arcot, the Company's ancient ally."

EXTRACT LETTER from Governor General and Council read at Fort St. George, Military Consultations, 13 November 1775.

Second Report of Committee of Secrecy, p. 493.

"IT shall always be our study, as far as can depend on us, to promote a mutual confidence between your Presidency and the Nabob, *whose interest we regard as inseparably united with the Company's in the Carnatic.*"

EXTRACT from Letter, Governor General and Council to Colonel Upton, 16 August 1775.

Fifth Report of Committee of Secrecy, p. 73.

"AS the *Nabob of Arcot is a particular friend and ally of the English*, and as his interest may be affected with any treaty you may conclude with the Maratta Government, we direct that you make the Maratta chiefs acquainted with the union that subsists between him and the Company, and insist on including him in the treaty, in an express article to the following effect:—That the Nabob Walla Jah Bahadar, Nabob of the Carnatic, having been for a considerable course of years united to the English Company *by the strongest ties of friendship and alliance*, and the Company having ever considered his enemies as their enemies, and his friends as their friends, it is agreed that the Maratta chiefs likewise shall hereafter regard him as their friend, and his enemies as their enemies. At the same time we are to acquaint you that we have desired the Nabob of Arcot, if there are any particular articles which he wishes to have stipulated for him, to state these articles to us, assuring him that we would take them into consideration, and give you such further orders respecting them as shall be compatible with the other objects which we have in view in concluding the treaty of peace with the Marattas."

EXTRACT

EXTRACT from President's Minute, Fort St. George, Revenue Consultations, 2 October 1778.

"I AM aware that there have been opinions that it would, on many accounts, be better if his Highness was to reside at his own capital. I must profess I always differed from them. We never can have a greater influence in the Carnatic, nor a stronger assurance of attachment, I may say dependence, than whilst the Soubah, with his family, and everything that is dear to him, is living with us, and absolutely under the protection and fire of our own guns. Some inconveniences, I allow, arise; but I am persuaded they are much overbalanced by the advantages accruing from his residence here." "And however repugnant it may be to us to take any step that may hurt the feelings of our ancient friend and much-respected ally, we cannot consent to divest ourselves of that immediate and absolute authority in the Guntoor Circar which we deem necessary for its protection and improvement."

Second Report of Committee of Secrecy, p. 575.

Ibid., p. 587.

EXTRACT from President's Minute, submitted at Fort St. George, Select Consultations, 4 February 1779.

"ALL attention and support is certainly due to the Nabob, *as our old and faithful ally, connected with us by every tie, and demanding from us every indulgence*; for, if we take a view from the southern boundary of Indostan, to the northern extremity, where the English forces have proved victorious, where shall we find one native prince who has not severely felt the effects of our power, and that is now lamenting the rapid success of our arms, and the credulity that ever induced him to trust to our engagements? Mahomed Ally can alone boast that we have not entirely violated every principle on which he has depended; and," the minute concludes with these memorable words, "*who, with his family, it is to be wished, may long remain instances of our national faith.*"

First Report of Committee of Secrecy, p. 212.

EXTRACT from a Letter from *Warren Hastings*, Governor General of Bengal, to the Court of Directors, 28 November 1783.

". . The Nabob Walla Jah, your old and faithful friend and ally. . . . An aged prince, whose life, to the last dregs of it, had been spent in the mutual intercourse of friendship with the Company and the British nation, and in participation of all the vicissitudes which had attended their fortune."

Papers relating to East Indian affairs, ordered to be printed 2 June 1806, p. 4.

But, probably, the following extract from "Considerations upon the present political state of the Company in India, written at Madras in January 1780," by Sir Thomas Rumbold, then Governor of Madras, will best explain the position of the Nabob, and of the feelings entertained towards him by the Company:

"*The first and most distinguished of our connexions* is that which has been long formed with *the present Nabob of the Carnatic.* The cause and progress of this alliance have been often traced, and are now so generally known, that it were superfluous to dwell upon them. *It began upon a principle of mutual advantage*, and has been cementing during a series of more than 30 years, by the exchange of all sorts of good offices, so that at this time, or at least very lately, it might be said to have ripened into a sincere and equal attachment. Much, indeed, were it to be wished that all our alliances had been formed on the same principles, and that we had never taken advantage of our strength to establish a superiority which might perhaps have been as well or as permanently acquired by more justifiable means. *Our influence in the Carnatic is founded on the free will and consent of the Nabob.* From his confidence in our attachment and our power, he requested, of his own accord, that the Company might garrison his forts, and maintain troops at his expense, for the protection of the Carnatic. Such a confidence ought never to be abused: to have deserved it, reflects honour upon our moderation: *to abuse it, would be to throw an indelible stain upon our character and memory.*

Sixth Report, Committee of Secrecy, p. 970.

"I have often wondered that a connexion of more than 30 years' standing should have subsisted without any specific treaty or agreement, for I do not remember that any was ever yet formed between the Company and the Nabob; possibly it may be owing to this circumstance that their friendship has continued so long. Where express stipulations are established as the ground of an alliance, the parties are so much upon their guard, and so watchful of the conduct of each other, that jealousy and distrust too often assume the place of confidence and goodwill. These inconveniences are more likely to be felt where the intercourse is frequent, and even constant, as that which has always existed between the Nabob and the Company. By maintaining a connexion upon the mutual exchange of good offices, without expressly defining the views and wishes of either party, such a latitude is given as cannot fail of producing confidence and friendship. In these cases, misunderstandings, when they happen, are removed by liberal explanations and arguments drawn from general questions, and not by the construction of words and phrases which may admit of various opinions, and be strained occasionally to the views and purposes of either party.

"But, although it be allowed that such advantages have arisen from the nature of our connexion with the Nabob, yet, in another view, it must be confessed that the want of some precise line for the guidance of the Company's servants in their intercourse with him hath been, and must continue to be, productive of much embarrassment; for example, *the Nabob has always been considered and treated by the Company as an independent prince;* an union of interests and of measures has generally taken place between them; and, at his request, a certain force is continually kept up, under the Company's authority, for the defence of the Carnatic; it has not, however, yet been settled how far the Nabob, in virtue of his independency, or the Company in the character of his friends and protectors, should direct and superintend the interests of the Carnatic. If this privilege belong solely to the Nabob, and he (as is natural to suppose) should wish to exercise it, then the Company may, without, and even against their consent, be drawn into measures directly affecting their own interests and possessions, for it is not possible, in any case, to separate their cause from that of the Nabob without totally giving up all concern in his affairs. On the other hand, if the Company, in virtue of their character as protectors of the Nabob's government, claim the right of directing the interests of the Carnatic, then they infringe the acknowledged independency of the Nabob, and become, in fact, the rulers, instead of the defenders, of his country. It seems reasonable, indeed, that the Company, who have taken upon themselves the office of protector, should be allowed the lead in all political transactions that affect the Carnatic, and this the Nabob has hitherto generally admitted; but there are instances on record where he has claimed the privilege of acting for himself, even in opposition to the advice and remonstrances of the Company's Government, and it is upon these occasions that the Company's servants will always find themselves perplexed, until it be absolutely determined how far they or the Nabob are to yield upon any differences of opinion.

"There are other embarrassments of a different nature attending the close connexion we have with the Nabob, which do not come so properly within my present purpose to mention; but it is certain that *all the inconveniences we suffer are amply compensated by the advantages derived from an exclusive influence in the Nabob's country,* sufficient to establish a decided superiority, and to prevent all competitors, European or native, from hurting the commerce or disturbing the possessions of the Company. *It is unquestionably to this influence that we are indebted for a great part of our prosperity, for our success against the French in India the last war, and for the decisive stroke made against them so early in the present war, to which, as affairs have since turned out, we owe perhaps our present existence in the East.*

"*Under these circumstances, if our gratitude alone be too weak a tie to bind us to the Nabob, a sense of interest should teach us the importance of so useful an attachment;* and by showing how much we have profited, and may still profit by it, instruct us, on the other hand, how different our situation would have been, and may still be, if that attachment should ever be dissolved, or transferred to our rivals.

"But it has been often urged that the benefits resulting from this connexion are reciprocal, and that the Nabob, having received the same advantage from our alliance and support that we have derived from his friendship, is equally bound, upon principles of gratitude and of interest, to remain steadfast in his attachment to the Company. There can be no doubt that the Nabob owes the possession and security of his government to the Company; and he has never been wanting in acknowledgments for their favour and protection; though it be certain that the *support of the Company was originally given to him, not upon his account, but their own;* and that having effectually answered their own purposes, by establishing him in his government, the numerous gifts and favours he has since bestowed on them ought to be considered rather as earnests of his attachment than returns for benefits received.

"Such being the state of our connexion with the Nabob, it were extremely to be wished that nothing had been ever done by us which might tend to impress on his mind any unfavourable ideas of our justice or the sincerity of our attachment."

Sir Thomas Rumbold then enters into a consideration of the Nabob's connexion with the Rajah of Tanjore, and adds—

Sixth Report of Committee of Secrecy, p. 974.

"I have dwelt the longer upon the affairs of the Nabob separately; and as they are connected with those of Tanjore, because as he is the oldest, and, properly speaking, the only natural ally of the Company, it is fit that his situation, his grievances, his embarrassments, should be perfectly known and understood. If it shall appear, from a cool and candid examination of past measures, that he has been treated with a severity ill-suited to the long and faithful attachment he had confessedly borne to the Company; if it shall appear that we have, in any instances, used our power unjustly to exact compliances from him which he might have otherwise thought it dishonourable to grant; if it shall appear that we have raised into our favour and alliance a man whom he, and whom the Company, have considered as a dependent on him, who was obnoxious to him, who had deservedly, on more occasions than one, drawn on himself the Company's displeasure, and who never made any effort to deserve their friendship; if it shall appear that we have done this in a manner the most distinguishing to that man, the most humiliating and disgraceful to the Nabob; and lastly, if it shall appear that these acts have been committed at the expense of our public faith, pledged to the Nabob in repeated and positive engagements; I am at a loss to conceive how we shall be able to atone for such accumulated injustice. Certain

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it is, we ought to lose no time in making every reparation in our power; and, though we have as yet been slow in our attempts towards it, I hope we shall not confirm and add to the injuries we have committed, by neglecting any longer to redress them."

The Nabob as an ally.

In the capacity of a friend and ally of the English, the Nabob was in the constant habit of communicating intelligence to the English authorities, and his intelligence was usually so far in advance of that obtained by the English, that it was sometimes discredited, and the English occasionally failed to act upon his advice, to their and his great injury. That they did apply to him for his advice also appears, as, for example, may be seen in the proceedings of the Fort St. George, Military Consultations, of 30th August 1775; while in every war which occurred they were in the habit of applying to his Highness for assistance.

Second Report, Committee of Secrecy, p. 489.

Estimation in which Nabob is held.

Third Report, 1773, p. 395. Mill, vol. v., p. 255.

Personally, he had secured for himself the esteem of the Company's highest officers. Clive, writing on 30th September 1765, describes him as "*the best Mussulman I ever knew.*" And Sir Archibald Campbell, President of Madras, 22 years later, said, "I have narrowly watched the Nabob's conduct and sentiments since my arrival in this country, and I am ready to declare that I do not think it possible that any prince or person on earth can be more sincerely attached to the prosperity of the honourable Company than his Highness, or that any one has a higher claim to their favour and liberality."

But there was another relation which the Nabob bore, or, more properly speaking, undertook towards the Company, which was destined to have consequences, as regarded the relations between him or his descendants and the Company, of a very serious description, and to which it is now necessary to advert.

From the brief sketch which has been given in the earlier part of this statement, it will be seen that the wars between the English and the French in India were virtually commenced, as they were perpetuated, by the French, and that the Nabob Anwar voluntarily came with a large force to the succour of the English. The attachment of the English to the cause of Anwar and of his son Mahomed Ali was one, therefore, originally dictated by natural gratitude. The power of the English, however, was at first remarkably limited. Had they stood alone, they must necessarily have been driven out of the Carnatic. It was only by leaguing themselves with the native powers, and by obtaining the co-operation of large native armies, that they succeeded in retaining any hold upon the country. But even with all the assistance which they thus procured, they were frequently reduced to extremity. In the course of the struggle Madras had been taken, Fort St. David had been taken, Arcot had been taken, and it may be said that every post of importance, Trichinopoly excepted, had been taken by the French. Had the ambition of the French commanders been seconded by their Government at home in the way in which it might have been, the French power in India, and, in any view, in the Carnatic, must have become everywhere predominant, and the English would, in all probability, have been entirely extirpated. The struggles of the English, therefore, were as much for the sake of maintaining the existence of their own power, possessions, and trade in India, as for the sake of assisting and maintaining the power of the Nabob; and the result of the long-continued struggle was to place the English in a position of power and importance, and to stir up their ambition in a way which possibly they never might have dreamt of, had they been let alone by the French.

But necessarily these struggles occasioned the English a large expenditure of money; and therefore, when the war came to a conclusion, they looked, and perhaps naturally looked, to the Nabob for, to some extent at least, reimbursement of their expenditure. The Nabob promptly and cheerfully met the demand, but, from the day he undertook the obligation, *he placed himself and his successors in the dangerous position of debtors and obligants* to the East India Company.

Nabob places himself in relation of debtor and obligant to Company.

Demands on him.

Mill, vol. iii., p. 265.

Prior to the surrender of the French in Pondicherry, the Nabob presented a draft of the conditions to which it appeared to him expedient that the two parties should bind themselves. One of these conditions was an offer to pay to the Company, in liquidation of the sums for which, in the course of the war, he had become responsible, 28 lacs of rupees (280,000 *l.*) annually, till the debts should be discharged; and 3 lacs of rupees (30,000 *l.*) annually, to defray the expense of the garrison at Trichinopoly. The President, Mr. Pigot, agreed to these conditions by letter, dated 23d June 1760; however, not long afterwards,

he presented to the Nabob a requisition for 50 lacs of rupees (500,000 *l.*), which the Nabob, not possessing, had to raise by loan upon very disadvantageous terms; and the Company, through the President, made other demands which were equally oppressive.

These demands were made at a time, moreover, when the country was in a condition little fitted to supply the Nabob with the means of payment. It had been desolated by successive and continued wars, and the different antagonists had collected the revenues and levied contributions in those districts which had at any time fallen into their hands: not only so, but the collection was difficult, by reason of the anarchy which these wars occasioned. The Nabob's treasury was exhausted, and, having no means of meeting the demands of the English, pressure was made upon the Rajah of Tanjore, and 22 lacs of rupees (220,000 *l.*) were agreed by him to be paid to the Nabob—a sum which was at once appropriated by the Company.

Grants a jaghire.

The English, however, began to represent to the Nabob the propriety of bestowing upon them a jaghire, or grant of lands, the rents and revenues of which, free from any deduction to the Nabob's treasury, should accrue to themselves; accordingly, the Nabob agreed to grant them a jaghire of certain districts, and sunnuds were, in the year 1763, issued, granting the jaghire of these districts, expressed in the following terms:—

Vol. of Treaties, p. 349.

"Be it known to the Deesmokees, Deespondees, Muccuddems, husbandmen, and others, inhabitants of the districts of Chingleput, belonging to the said sircar, and depending upon the Subah of Arcot, for and in consideration of the many services rendered to my affairs by the English East India Company, their firm friendship for me, and the dependence I have of their always, in future, remaining firm in alliance with and supporting myself and sons, I have given and made over to them, in jaghire,"

the several districts therein mentioned, the revenues of which amounted to 442,881 pagodas, equal to nearly 180,000 *l.* per annum. These sunnuds obtained the confirmation of the Mogul by firman, already mentioned, dated 12th August 1765. In addition, however, to this, agreement was made by the Nabob that he should defray the expense of the Company's maintaining 10 battalions of sepoys for the protection of the Carnatic, which necessarily involved a heavy annual contribution or appropriation of the revenues.

Contributes to Company's military expense. Ninth Rep. Com. of Secrecy, pp. 606 and 721.

His own military expenditure.

First Rep. Com. of Secrecy, p. 37.

While the Nabob thus came under obligation, and granted jaghires to the Company, he maintained a large, probably an unnecessarily large, military force himself. The exact amount of that force the Company appear at first not to have known, but it seems that, in 1776, it amounted to nearly 40,000 men, and these troops were well disciplined; for, in a letter from Fort St. George, dated 4th July 1775, it is stated that his,

Ibid., p. 258.

"the Nabob's, second son, Ummeer ul Umrah, has seven distinct corps, consisting of cavalry, light-armed sepoys, and artillery; 12 battalions of sepoys, with near 1,000 artillery; all which are far better disciplined than those of any of the country powers. Some of his black cavalry, we are informed, are as well disciplined as any of the English troops; his artillery attached to them may vie almost with Europeans." "He pays them himself, and all look up to him for honour and wealth."

War with Hyder. Vol. iii., p. 333.

Reference has been already made to the victory which the English obtained over the united forces of Hyder and the Soubah, which resulted in the treaty of 1768. This victory, says Mill,

"Elevated the Madras Government to a high tone of ambition. They resolved not only to carry their arms into Mysore, but to make the conquest and acquisition of the country. They pressed Mohammed Ali to join the army, that the war might, as far as possible, appear to be his. 'They pompously' (as the Directors afterwards reproached them) 'appointed him Phousdar of Mysore,' and afterwards accused him, for accepting that very title, 'of an insatiable desire of extending his dominions.'"

Occasions fresh demands.

The war was disastrous to the English, and resulted in their being obliged to conclude a treaty with Hyder. The war was then made the occasion of a fresh demand upon the Nabob; and, in a letter to the Court of Directors, dated 20th March 1772, he wrote as follows:—

Second Rep. Com. of Secrecy, 1772, p. 33.

"Every demand hitherto made on me by your Governor and Council I have fully paid, though I could not prevail on them to give me my accounts till very lately; and even those are wrote in such a manner, that neither I nor any of my people can well understand them; however, from the beginning of my transactions to the end of October 1771, there is

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not a daum* due from me to the Company. The Governor and Council, in December 1769, thought proper to charge to my account 10 lacs of pagodas, as my share of the expense of the Mysore war: they have frequently mentioned, in their letters to me, that I acknowledged this as a just debt, and promised to pay it; and I understand, from your letters, that they had been at great pains to write in the same manner to England. In the Mysore war I expended large sums, as I maintained the whole army, paid the expense of the troops, as well as those employed in the war as in the defence of the Carnatic at the time. By what management, then, could the extraordinary expenses amount to such a sum? This is the sense I have always had of the agreement I entered into with the Governor and Council in 1768: that I was to be put in possession of the conquered country, out of the revenues of which the whole expense of the war was to have been paid. The event of the war is well known, and in every one article the Governor and Council failed on their part, even in such as I esteemed essential to my honour, as well as to my interest, and that of my country. I desire you to consider this matter well, and am certain that you will then see this matter in the light I do; and I appeal to yourselves whether you think it probable I ever could be brought voluntarily to acknowledge this demand as a just debt in such circumstances.

"I have nothing so much at heart as endeavouring by every means to make my friendship with the Company stronger and stronger; and therefore, in my last letter, by the ship 'Lord North,' I told you that the next ship should bring you accounts of my friendship, that you might set your minds at ease. What is money to me without your friendship, or what sum can equal the value I have for you? Therefore, since you have been told that I would pay you 10 lacs of pagodas (400,000 *l.*), I now tell you, that out of pure friendship, and merely as the result of my own free will and choice, I will, in time of peace and tranquillity, pay to my friends, the East India Company, 10 lacs of pagodas. I ask nothing in return but your friendship, which I doubt not you will readily grant."

Nabob agrees to pay 400,000 *l.*

In 1779 the Presidency of Madras resolved upon an expedition against Mahé. This was the territory of a petty prince on the western coast, who, with the other petty princes, his neighbours, had been rendered tributary to Hyder. The Nabob remonstrated against the expedition, and urged the necessity of making peace with Hyder, or, on the other hand, of first making terms with the Marattas and the Soubahdar. Instead of following his advice, the Presidency formed an arrangement with Bazalut Jung, which in the highest degree alarmed and exasperated both. The consequence was, that Hyder invaded and devastated the Carnatic, and involved the Company and the Nabob in a useless and protracted war, which was costly to both of the allied powers, and materially disturbed the internal tranquillity of the Carnatic, and was especially injurious to the Nabob. Again, and with little semblance of justice, the Company made their demands upon the Nabob, who informed them that it was completely out of his power to render them assistance. "Participating in the general aversion to believe that the Nabob" was so circumstanced, the President renewed his importunities; and probably in consequence the Nabob applied to the Governor General, concluded an arrangement with him, and intimated the fact to the President. This transaction is thus narrated in the letter from Bengal to the Court of Directors, dated 27th April 1781:—

Renewed war with Hyder.

Nabob remonstrates.

Fresh demands on Nabob.

Arrangements with Governor-General.

"About the middle of last month arrived in Fort William, Syed Assam Cawn Behaudre, Dewan of his Highness the Nabob Walla Jah, accompanied by Mr. Richard Joseph Sullivan. Their arrival was reported to us by the Governor General on the 29th of that month, and a translation of their credentials as Ministers and Plenipotentiaries Extraordinary from his Highness the Nabob Walla Jah was laid before us, together with a paper of requisitions prepared by the Dewan, who, in the name of his master, requested the Board's reply, expressing their resolution on each article as expeditiously as possible; their object being of the utmost importance, not only to the future prosperity of his country, but also to the safety of the English possessions in the Carnatic, and to the relief of his numerous creditors, whose claims and necessities he represented as great and distressing. We had, a few days before, received from the Nabob's new consolidated creditors a proposal for the satisfaction of the debt owing to them from his Highness, and your Select Committee at Fort St. George had transmitted to us with it a copy of their Minutes on a similar proposal made to them.

Sixth Rep. Com. of Secrecy, p. 1054.

"Sensible of the heavy load of difficulties under which the Nabob Walla Jah hath laboured for a considerable length of time, and anxious that a permanent plan should be adopted for the future regulation of the affairs of the Carnatic, we readily acquiesced in the desire of Syed Assam Cawn, that distinct replies should be given by us to each of the several propositions of the Nabob; and we agreed that the replies, if approved by the Dewan, should serve for the basis of an agreement between this Government and that of the Carnatic. As the agreement includes many particulars which cannot be made so clear in

* A daum is equal to about a penny.

in an abstract of them as in the perusal of the agreement itself, we have thought it necessary to transmit to you a copy of the requests of the Nabob Wallah Jah, and of our replies to them, which together form the agreement numbers in this despatch. The agreement having been fairly engrossed on two distinct papers, bearing the seal and signature of the Nabob Wallah Jah, and the Dewan Syed Assam Cawn Behaudre, and Mr. Richard Joseph Sullivan, attending at our Council on the 2d inst., it was sealed and signed by them in our presence, and by us in their presence, and formally interchanged.

"We should have previously acquainted you that we were fully satisfied with the sufficiency of the powers with which Syed Assam Cawn Behaudre and Mr. Richard Joseph Sullivan were invested, on the part of the Nawaub Wallah Jah; and being anxious that speedy and effectual remedies should be applied to the disordered state of the affairs of the Carnatic, deemed it of essential moment that the entire sanction of the controlling Government of India should be given to the agreement; and the more especially, as in the letters which have been received from the Presidency of Fort St. George since the commencement of the late troubles in the Carnatic, they have repeatedly declared their total and absolute inability to obtain from the Carnatic the smallest supply of money for the maintenance of the war, or the support of their current expenses."

P. 1082. Agreement with Nabob.

The requests of the Nabob, which formed the one part of this agreement, were, *inter alia*, as follows:—1. "Let a treaty be firmly established between us which *may last for ever*, and be subject to no deviation." The answer to this article is important, as showing the permanency of endurance with which the treaties afterwards concluded with the Nabobs of the Carnatic were intended to be regarded:—

"A temporary treaty shall be made, subject to the revision and approbation of the Company; and it is hoped this may serve as the basis of another treaty, to be concluded under the orders and instructions of the Company, and even with the sanction of the English Parliament, *which may endure for ever*, and rendered so binding that it shall not be in the power of any individual to break it, or to depart from it."

After some other articles, the sixth article is as follows:—

"After peace and alliance is made between us and the English Company, the enemies, the security, and the dangers of both will be the same; that is to say, whoever of us suffers an injury, it will be felt by both of us. I therefore wish that the English in India, or the King of Great Britain, would make a treaty of peace with the King of France; and let the peace and security of the Carnatic and the rights of my Government, without the connexion of any one, and my power to appoint a successor in the Carnatic, be settled in a solid manner, and included in the treaty."

The appointment of a successor by will, here referred to, was a favourite subject with Mahomed Ali, his wish being that his second son, Ameer ul Omrah, should succeed him. Whether he ever executed such a will in favour of that son is not known, but it is not improbable. The answer to this article admitted the right:—

"In whatever treaty," it bore, "shall be concluded between the Nabob and the Company, it will of course be stipulated that the friends or enemies of either party should be held as equally the friends or enemies of the other, and their interest, their safety, and their danger the same. Such has been the implied condition of the alliance hitherto subsisting between the Nabob and the Company, although unsupported by any written engagements. Respecting the latter claim of this article, we are informed by Assam Cawn, the Nabob's Dewan, that the Nabob possesses letters from the Company, the King's minister, and the King himself, on the subject of his will; and he has produced copies of those from the King and from the Company, *which all express a clear acknowledgment of the Nabob's right to appoint a successor to the Government of the Carnatic.* It is therefore unnecessary, and would be unbecoming in this Government, to make any provision, even in a temporary treaty, for such event, which we hope is far distant. Such acknowledgments are equivalent to treaties, and of the highest possible authority, and must be binding on all the servants of the Company, and on all the King's subjects."

In Article 8 the Nabob says:—

"My constant wish has been to discharge the money due to the troops stationed by the Company, and I have always exerted myself for this purpose. From the commencement of my connexion I have paid very considerable sums on this account; and on the day that Hyder invaded the Carnatic, I owed the Governor and Council of Madras less than one lac of pagodas, which I was in hopes of discharging by receiving bills from the bankers in the country; when in the meanwhile the attack of our enemy began, and, instead of paying the balance in money to the Company, provided in my country a greater amount than that, in rice, and bullocks, and sheep for the army, besides the stores in my forts, of which there is a large supply in Trichinopoly, and a less quantity in Vellore, &c., and what was in those forts which our enemy has taken is in his possession. Had not my bad destiny produced

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many obstacles, there is no doubt but at this time I should not have been indebted one single pagoda to the Company."

He then makes a proposal in regard to certain talooks, which he proposes should be handed over to his creditors; and mentions in Article 9, that for several reasons, and from the invasion of his enemy, which were not unknown to his friends, he was greatly distressed, and his subjects were not in a state to suffer him to have any hopes from them. The answer of the Company was:—

8. "This is just. Let the Nabob consent and engage to *assign all the revenues of his country during the war*, without any exception, to the Company for the actual support of the war." Then, entering further into explanations, they conclude, "By this arrangement the resources of the Carnatic will be applied, as they ought to be, to its immediate defence and preservation; and the Nabob's faith and the rights of the creditors will be secured, and this is agreeable to the request which the creditors themselves have formerly made."

And with reference to the Nabob's statements as to the debts he was owing to his creditors, a new adjustment was advised to be made.

The receipt of this communication occasioned discussion. The Nabob was naturally reluctant to part with his revenues, while the Company's servants were as naturally desirous of securing them. Their sole object, however, was the good of both parties. For even Sir Eyre Coote, who took a strong view of matters, thus wrote to the Select Committee on 11th September 1781:—

"I am fully persuaded in my own mind, that we should stand justified both to our King and country, in taking for a time the entire management of the Carnatic; and in guaranteeing in their just rights and privileges, such of the Polygars as either from necessity or ill-usage have been induced to become subservient to Hyder; and would upon such protection unite with us and against him, *not meaning thereby to rob the Nabob of either his honour or his rights*, but upon principles of the soundest friendship, and, with *all due respect and regard for his person and authority*, to give that real assistance towards his future interests, which, from a mistaken policy, he himself denies them. All resources which might by such a measure be obtained would necessarily be employed in support of a war, and be credited to the Nabob in our accounts, which will carry with it the appearance of having given some assistance to the cause, whereas at present there is none." Carnatic Papers, 1803, vol. ii. p. 52.

"With much negotiation, it was at last arranged, that the revenues of all the dominions of the Nabob should be transferred to the Company for a period of five years at least; that of the proceeds, one-sixth part should be reserved for the private expenses of himself and his family, the remainder being placed to his account; that the collectors should all be appointed by the President; and that the Nabob should not interfere. By this deed, which bore date the 2d of December 1781, the inconveniences of a double Government, which by its very nature engendered discordance, negligence, rapacity, and profusion, were so far got rid of; though yet the misery and weakness to which they had contributed could not immediately be removed." Mill, vol. iv. p. 163. Nabob assigns revenues to Company for five years.

The assignment of the revenues, by lessening the ostensible importance of the Nabob, and infringing on his acknowledged independency, was most naturally distasteful to him, and he made representation against it to the Governor General. Upon the information which the latter obtained, a resolution was passed on 8th January 1783, to surrender the assignment into the hands of the Nabob; but this was opposed to the views both of the Directors and of the Madras Presidency, and the resolution was not carried into effect at that time.

The opinions entertained are thus expressed in the two following letters to the Secret Committee of Directors from Lord Macartney, then President at Madras, by whom the assignments had been carried through shortly after his arrival at the Presidency:— Carnatic Papers, 1803, vol. ii. p. 58–9.

24 January 1784.

Para. 10. Having, on my arrival in this country, found your affairs most critically situated in all respects, I endeavoured, by an early and laborious attention, to acquire exact information of the state of every department, and have communicated to you, from time to time, the result of my inquiries and observations.

11. The first thing that struck me as defective in your system, was the nature of the Company's connexion with the Nabob, by which the resources of a province, garrisoned and defended by your forces in peace and war, were altogether in the control of his Highness, under a simple and insecure engagement of reimbursing, by instalments, the current charges of a certain proportion of those forces. This stipulation, even in peace, was, from constant failure and backwardness in the Nabob, a source of perpetual alarm to Government, which often found itself absolutely unable to provide for the payment of the troops when it became due. But if such are the inconveniences of this system in time of peace,

how totally unprovided, weak, and defenceless must be your situation under it in time of war, and particularly of an invasion of the country from whence this scanty resource is to come? When Hyder Ali entered the Carnatic, in July 1780, there was an instant stop to all payments from the Nabob, upon a plea of absolute inability. Your army, at the very moment that its expenses were doubled, lost even its usual supply, and the whole charges of the war, ordinary and extraordinary, and even the daily sustenance of the troops, were thrown upon you: in this dreadful exigency was obtained that assignment, without which all your revenues and credit must have been inevitably sunk to no purpose.

12. In my letter of the 1st December, I declared my opinion, that from the moment you should surrender that assignment, you would cease to be a nation on the coast: I now repeat to you the same opinion. Whatever reliance you may formerly have had upon the gratitude, friendship, or fidelity of the neighbouring princes, has been long since at an end; from the time of Hyder's entering the Carnatic, in July 1780, to the assignment of December 1781. The inability or unwillingness of the Nabob to assist you appears fully detailed on your records before my arrival in this country; and the assignment itself, from the date of it till the Company had the full management of the revenue, was mere moonshine, and did not furnish you with a shilling. By the establishment secured under the late peace to the French on this coast, and by the force they possess and seem determined to maintain here, it is past a doubt that your first and principal stand against that nation, in case of a rupture, must be made in the Carnatic. What, then, have you to trust to? To nothing but yourselves having the administration and direction of the revenues of the country which is to be defended.

Vol. ii. p. 60.

14 October 1784.

Para. 7. From the statements now enclosed, you must perceive at once how impossible it will be for you to exist in the Carnatic, if you surrender the assignment. With every attention to the management of the revenue on its present advantageous footing, your relief from this resource will not be very material for the next three years: afterwards, indeed, if the peace of the country be not disturbed, a rapid progress may be made in the discharge of the Company's and the Nabob's incumbrances; but, without the assignment, I see not a ray of hope for the preservation of the Company or the security of the Nabob on this coast. As my voucher for this assertion, I must call to your remembrance the disordered and ruinous state of the country, and the extreme insufficiency of the Nabob's payments while he collected the revenues himself. During the first 18 months of the late invasion, the Company obtained scarcely any assistance from him. The assignment was then procured; and in the next 18 months, notwithstanding the devastations of the enemy, and the greatest opposition and intrigue on the part of the Nabob himself, you will observe, from the books of this Presidency, what considerable resources have been drawn from the country—resources without which all our other aids must have totally failed in carrying us through the multiplied embarrassments of the war.

The Board of Control, however, interfered; and, for the purpose of giving to all the powers of India a strong proof of the national faith, ordered restoration of the revenues; and, in June 1785, a preliminary treaty was entered into with the Nabob, by which the Nabob agreed to pay his proportion, fixed at four lacs of pagodas per annum (160,000 *l.*) of the current charges, and 12 lacs of pagodas per annum (480,000 *l.*), on account of his debts to the Company and private creditors, until those debts were discharged; and, in the event of failure in the payment, certain districts were assigned to the Company in security; and by the last article it was declared, "the within conditions being first duly signed and sealed by the respective parties, the agreement of the 2d December 1781 will be immediately returned to his Highness the Nabob, who is hereby restored to the possession of, and full exercise of sovereignty over, the Carnatic."

Vol. of Treaties, p. 397. Preliminary Treaty of 1785.

Sir A. Campbell's negotiations.

Sir Archibald Campbell arrived at Madras, as President of that Presidency, after this restoration to the Nabob of the collection of his revenues; and one of the principal duties he had then to perform was that of effecting a new arrangement with the Nabob. The instructions he had received appear to have been, to have required a much larger annual payment from the Nabob than what had hitherto been agreed upon; and on this subject he, on 18th April 1786, thus feelingly wrote:

Carnatic Papers, 1803, vol. ii. p. 80.

Though I may fail in accomplishing all you wish, be assured that I will leave nothing untried to make the arrangement with his Highness and the Rajah of Tanjore as consonant as possible to your instructions, and that no deviation from them shall ever meet with my approbation, except where the case may render it indispensably necessary. At the same time, I wish you to be aware that, from the Nabob being assessed 12 lacs for the payment of his debts, and 4 lacs towards military charges, his country, under its present management, may not, perhaps, be found able to bear any great additional burden, although, in strict justice, and in compliance with your orders, a much greater demand will be fully warranted.

12. While I call in question any part of the agreement lately entered into with the Nabob

Nabob of Arcot, I must do him the justice to say, that, so far as it has gone, his Highness has acted up to the terms agreed upon by paying his kists punctually as they became due; which, joined to the great respect I have for his Highness, cannot fail to secure to him every degree of kindness and attention on the part of this Government.

Treaty of 1787.

After some negotiation, a treaty was entered into, dated 24th February 1787. This treaty proceeded upon the narrative, that

The Court of Directors of the Honourable United East India Company, having taken into their serious consideration the great advantages which may be attained by improving the blessings of peace, now happily re-established on the Coast of Coromandel and the Carnatic; and considering the present hour the best suited for settling and arranging, by a just and equitable treaty, a plan for the future defence and protection of the Carnatic and the Northern Sircars on a solid and lasting foundation, have communicated these their sentiments to his Highness the Nabob of the Carnatic, who, being fully impressed with the propriety and wisdom of such an arrangement, has for himself, his heirs and successors, adjusted and concluded a solid and permanent treaty with the President and Council of Fort St. George, upon the principles and conditions hereinafter mentioned; in consequence whereof, it is stipulated and agreed that due provision shall be made for the military peace establishment; and also that, for discharging the expense of war, in the event of a war breaking out in the Carnatic, or on the Coast of Coromandel, certain contributions or proportions of the revenues of the contracting parties shall be united into one common stock, to be applied for their mutual security and defence. And, as it is necessary that the application of the said contributions, both for peace and war, shall be reposed in the United Company, or their representatives, together with the direction of the war, the company of the army, magazines of stores and provisions (the granaries and present magazines of his Highness the Nabob excepted), with full power to occupy or dismantle such forts as by them shall be deemed necessary for the general security, the said contracting parties do hereby solemnly engage and agree, for themselves and their successors, to and with each other, in manner following:—that is to say, Article 1. The friends and enemies of his Highness the Nabob of the Carnatic, and of the English United East India Company, shall be considered as the friends and enemies of both.

It was then provided that the Nabob should contribute towards the military peace establishment, and should pay into the treasury of the Company the annual sum of nine lacs of pagodas (360,000 *l.*), in place of the four lacs agreed by the Preliminary Treaty; and that the Company should, with the aid of Tanjore, contribute such further sums as might be necessary, and should annually furnish the Nabob with an account of the troops maintained by his contribution; and the security of the assignment of districts was made to the Company, in case of failure, in the punctual payment of the nine lacs. It was further provided, that, in the event of any war breaking out in the Carnatic, or on the Coast of Coromandel, the Company should charge themselves with the direction, order, and conduct thereof, and both parties should each contribute four-fifths of their whole revenues in the Carnatic to the military expenses of the war. It was further agreed, by Article 15, that,

"Whenever the Company shall enter into any negotiations, wherein the interests of the Carnatic and its dependencies may be concerned, the President in Council of Fort St. George shall communicate the proceedings to his Highness the Nabob of the Carnatic, as the firm ally of the Company; and although the direction of the combined force of the country is committed entirely to the Honourable Company, or their representatives, it is nevertheless understood that his Highness shall be informed of all measures which shall relate to the declaring of war, or making of peace, with any of the princes and powers of Hindostan, so far as the interests of the Carnatic may be immediately concerned therein, and the name of his Highness shall be inserted in all treaties regarding the Carnatic; and his Highness will not enter into any political negotiations or controversies with any state or power, without the consent or approbation of the President in Council of Fort St. George."

By Article 19 it was further stipulated, that the articles of agreement contained in the Preliminary Treaty above-mentioned, in so far as they related to the discharge of the debts of his Highness the Nabob, should be in continual full force; in other words, that the Nabob should continue to pay 12 lacs of pagodas per annum to the reduction of his debts; but, in so far as regarded the agreement to pay four lacs towards current expenses, the previous article declared that the Preliminary Treaty should be null and void.

Sir Archibald Campbell, in his letter of 24th February 1787, to the Court of Directors, announcing the completion of this treaty, after alluding to his instigations and negotiations, thus wrote:

Under the Nabob's present expensive system of managing his revenues, I think it almost certain that *his Highness could not afford to pay the* 10½ lacs of pagodas annually, and 12 lacs

Letter, Sir A. Campbell, announcing Treaty.

Carnatic Papers, 1803, vol. ii. p. 81.

lacs more to his creditors, without involving himself and family in very great difficulties; and I think it my duty to say so candidly, rather than mislead the Company into expectations which can only tend to deceive them. Viewing matters in this light, I proposed to his Highness, that in case the Court of Directors did not comply with his request for an abatement of two lacs of pagodas from the annual sum paid to the creditors; and in case the revenues of his Highness should not be found adequate to the discharge of the same, I should have great pleasure in assenting to those two lacs of pagodas being carried to the account current of his Highness with the Company.

14. On a subsequent meeting with the old Nabob, his Highness in a very affecting manner stated his distresses, and warmly represented his disposition to do whatever I should, in the name of the Company, say he, in justice, ought to pay; at the same time throwing himself upon the generosity and friendship of the Company, from a conviction that they would never ask him to engage for more than he was able actually to perform. The old prince was considerably agitated at this period, and retired, leaving his son the Ameer (ul-Omrah) to communicate his sentiments as to the extent of his powers to comply with the requisitions proposed.

15. Pleased with the moderation and propriety of the Nabob's conduct, I desired the Ameer to inform me what sum his Highness could pay with ease to himself and comfort to his family. The Ameer replied that he was instructed by his father to say, that he could pay nine lacs of pagodas annually to the army peace establishment, and have a sufficient surplus to make himself and his family happy and comfortable.

16. An offer of such magnitude, accompanied with the certain prospect of giving satisfaction to a venerable prince and happiness to his whole family, could not fail to be acceded to, especially as it produced an additional revenue of five lacs of pagodas, or 200,000*l*, sterling, annually to the Company; and was unanimously approved of by the Council on my laying the offer before them.

17. Exclusive of the pleasure I enjoyed in diffusing happiness to all the branches of a family who look up to this Government for protection and support, the consideration of the Nabob's invariable attachment to the British nation, and the strong assurances which his Highness had uniformly received of the friendship and liberality of the India Company, rendered it, in my opinion, a matter of wisdom and good policy to deviate, in a small degree, from the rigid principles set forth in my Minute, especially as such a deviation was most likely to obtain much greater objects in the treaty. If to these considerations I am permitted to add the impressions I had received from your letter of the 22d of September 1785, which directs every degree of attention to the convenience and happiness of the Nabob in forming this treaty, I trust you will think I did not make any unwarranted or improper sacrifice of the Honourable Company's interest in acceding to the Nabob's proposal.

He then proceeds to mention the arrangements made for time of war, and that it had been agreed that

The Nabob of the Carnatic, after deducting certain jaghires and charities, amounting to 2,34,787 pagodas, should contribute four-fifths of his gross revenues to the purposes of the war, *leaving* (and it may be of some importance to note this) *the other fifth to answer for the current charges of his family and civil government.* It was also stipulated and agreed that the Nabob should pay 25 fifty-one parts of all expenses incurred in time of war.

As being in strict proportion to the amount of his revenues, as compared with those of the Company and of the Rajah of Tanjore; he adds,

20. The care I have taken in securing to the Company the punctual payment of the several sums agreed upon, will be sufficiently illustrated by the treaty itself, which I have the honour to enclose. It is therefore necessary only to observe that this, as well as all the other objects recommended to me by the Court of Directors, have been minutely attended to in this treaty.

21. *The power of the purse and sword is now completely secured to the Company without lessening the consequence of the Nabob;* and I pledge myself that these powers, so long as I have the honour to preside in this Government, will be exerted with discretion, and to the utmost of my abilities, to secure the interests and promote the honour and prosperity of the India Company.

22. If the articles of this treaty appear satisfactory to you; if they produce, as I trust they will, solid and lasting advantages to the India Company, *by the very respectable addition of five lacs of pagodas to their annual receipts, while the Nabob of the Carnatic is happy and pleased with the arrangement,* I shall think my labours well bestowed, and feel that I am fully rewarded for all the fatigue and anxiety of mind I have undergone, preparatory to and during the whole of this negotiation, which I can with truth say has greatly exceeded any description that I can possibly convey.

Mill, vol. v. p. 251.

I should not, he adds, discharge my duty to the Honourable Company, were I not to recommend the present state of the Nabob's finances to your most serious consideration. The voluntary grant of so large a proportion of his revenues to the public and private creditors of his Highness does, in my opinion, infinite honour, and marks his real character.

But

But it ought to be considered that this grant was made at a time when he thought his proportion for the defence of the Carnatic would not exceed the sum of four lacs of pagodas annually. His contribution for this defence is now extended to nine lacs; and I can easily perceive that although he has cheerfully agreed to pay for that purpose five lacs of pagodas more than he expected, yet it is from a conviction that such a contribution is indispensable for the general security; and that this venerable prince would rather subject himself and family to the feelings of difficulty and distress than be thought backward for a single moment in contributing most liberally to any arrangement which might tend effectually to the defence and prosperity of the Carnatic.

Directors require additional payment.

Of this arrangement in general, the Directors expressed great approbation, but required that, instead of nine lacs, the Nabob should be obliged to pay 11 lacs towards the current expenses; and he was obliged to agree to this hard proposal, although the Nabob strongly remonstrated, stating his inability to meet so heavy a demand.

Treaty found imperfect; communications as to amendment of it.

The treaty was not long in being considered defective in its machinery for carrying out the purposes of the parties; the management of the Nabob was probably, like that of most of the native powers, defective and insufficient for the realisation of the revenues. At all events, it was not so complete as the English were accustomed to in their own affairs; and General Meadows, then President of Madras, on 31st March 1790, wrote to the Court of Directors:—

Carnatic Papers, 1803, vol. ii. p. 83.

His Highness the Nabob is so backward in his payments, so oppressive to his Polygars, whom, at this time, it is so necessary to have on our side, that I conceive it will be absolutely necessary, upon his first material delay of payment, to *take the management of his country into your own hands;* a measure, in spite of the opposition to it, *so advantageous to you, the country, and even to his Highness himself*, when so wisely projected and ably executed by Lord Macartney (referring to the agreement of 1781).

On 16th September 1790, the President and Council at Madras wrote:—

We resolved to submit to the Supreme Government the correspondence which had taken place between our President and the Nabob; and to point out to his Lordship in Council the impolicy of depending for our principal resources, at a time when the greatest exertions were necessary, and pecuniary supplies were of the utmost importance, upon the *operations and management of the Nabob's Government, of which the system was, perhaps, as defective and inefficient as any upon earth.* And we did not hesitate to declare it as our unqualified opinion, that this Government (meaning the Company,) ought, *during the war*, to take the Nabob's country under their own management, as affording the only means by which the resources to be derived from it could be realised, and the fidelity and attachment of the Polygars and tributaries secured, which is of the utmost importance to the successful operations of the war. In the event of his Lordship's agreeing with us in opinion, and instructing us to act in conformity, we submitted to him the necessity of our adopting the measure in so comprehensive a manner as to preclude any kind of interference on the part of the Nabob while the country might be under our management; and stating, that if this were not done, the expected advantages could not be derived.

The Governor General, upon receipt, recommended obtaining the consent of the Nabob to assuming the government of the country. To this the Nabob was vehemently opposed; and the Madras Council wrote:—

We cannot say that the event has surprised us; for when it is considered how many people attached to the Durbar are interested in the Nabob's retaining the management of his country in his hands, it will not be a matter of wonder that every effort should be made to prevent his again ceding what, in a former instance, he had much difficulty in recovering. We are convinced he will never make a voluntary assignment of his country.

On 21st June the Governor General in Council, declaring their

Perfect persuasion of the impossibility of obtaining, in future, the stipulated proportion of the Nabob's revenues through the medium of his own managers, which also precluded all hopes of being able by those means to recover the immense amount of his balance, authorised and directed the Governor and Council of Madras to take effectual measures to put the Company *into immediate possession of the management of his Highness' revenues and country, in order that* the total amount of the collections might be applied with fidelity and economy in the proportions that had been already settled, *to defray the exigencies of the war and to support his Highness' own family and dignity.*

And add,

We trust, however, that before long his Highness will be fully sensible of the interested and criminal motives of the advisers by whom he has been influenced to resist your solicitations; and that he will soon see, that whilst his people will be treated with justice and humanity,

humanity, a liberal fund will be secured *for the maintenance of his own family and dignity*, and that the remainder of the revenues will be secured from the hands of extortioners and usurers, *and honourably applied to the defence and protection of his subjects and dominions.*

10 August 1790. In reporting upon these transactions to the Court of Directors, the Governor General thus wrote :—

I was impelled to the determination of assuming the revenues of the Carnatic by the strongest considerations of humanity, justice, and public necessity. The flagrant failure on the part of the Nabob in the performance of the stipulations of the treaty with the Company, ought long ago to have awakened the Government of Fort St. George to a sense of their public duty; and would, in strictness, at any time have merited the serious interference of this Government. But at a dangerous juncture, when the resources of Bengal are totally inadequate alone to support the expense of the war, into which we have been forced by one of the most inveterate enemies of his Highness' family and of the British name, I could not for a moment hesitate in discharging what clearly appeared to me to be the duty of my station, by taking the only measures that could be effectual for securing the proportional assistance to which we are entitled from the funds of the Carnatic. I must likewise observe, that by executing this resolution, I have every reason to believe that whilst we provide for the general safety, we at the same time greatly promote the interests of humanity. For, by the concurrent accounts that I have received from many quarters, I am perfectly convinced that, from the Nabob's being unacquainted with the details of business, and either from an indifference to the distresses of his subjects, or from a total incapacity to superintend and control the conduct of his renters and managers, the most insatiable extortions and cruel oppressions are nowhere in India more openly and generally committed with impunity upon the mass of the miserable inhabitants than by his Highness's officers in the internal management of his country. And it will, therefore, not only be felt as a relief by the body of the people to be put under the authority of the Company's servants, but we shall probably be able, by mild and just treatment, to conciliate on this critical occasion the attachment of the Southern Polygars, who from being harassed by the unreasonable exactions of the Nabob's erenters, have almost always been ripe for disturbance and revolt. I trust, likewise, that in addition to the other advantages that may be expected from the measure of taking the management of the Carnatic into your own hands, it may tend to break off a connexion between the Durbar and many of your servants, from which nothing but the most baneful effects can result, both to your own and his Highness' interests. The relation between his Highness and the Company's Government; the delusive schemes into which he has at different times been drawn, by the acts of intriguing and interested men, to seek for support in England against regulations and orders no less calculated for *his* real good than for the advantage of the Company; and the ease which Europeans of all descriptions have found, by the vicinity of his residence to Madras, in carrying on an intercourse with him, in defiance of all your prohibitions, have thrown out temptations that have proved irresistible to several of your servants, and other persons, not only recently, but during a long period of years, to engage in unjustifiable and usurious transactions with the Durbar. And I believe I may venture to assure you, that it is to these causes, so highly injurious to the Company's interest, and so disgraceful to the national character, that the present state of disorder and ruin in his Highness' affairs is principally to be attributed. It will require much mature consideration to devise means that will be effectual to prevent a repetition of these evils; and, indeed, I must freely own, that I could not venture to propose any plan on the success of which I could have a firm reliance, unless the Nabob *could be induced, by a large annual revenue, to surrender the management of his country for a long term of years to the Company.*

These documents are very important, as indicating what were the views of the officials of the Company in reference to obtaining the management of the Carnatic into their own hands; and the concluding sentence of the above letter affords a sufficient commentary upon, and explanation of, the arrangement afterwards come to by the Treaty of 1801, to which reference will hereafter be made. It is quite clear from this letter, which probably greatly exaggerated the real state of matters, that all that was wanted was to obtain possession of the Government and collection of the revenues, as a measure of benefit to all concerned, and had simply in view the object of securing payment to themselves of the amount agreed to be paid by the treaty, and of handing over the balance to the Nabob, because the Nabob's management was so bad and defective that they could not trust to it for securing payment of these obligations. As we advance, this will become still more apparent.

This arrangement was followed by the complete approbation of the Directors, who considered, from the experience they had had of the assignment of 1781, that such an assignment was the only effectual method of securing the Nabob's payments. The English were then at war with Tippoo, and upon its conclusion, in 1792, the Carnatic revenues fell to be restored to the Nabob. This led to negotiations for a new treaty, both parties being dissatisfied with the former treaty;

treaty; the Nabob complaining that its pecuniary conditions were heavier than the country was able to bear, the English complaining that the securities it provided for the payments by the Nabob were inadequate to their end. The treaty of 1787 was therefore annulled, and a new treaty, dated 12th July 1792, was entered into. This treaty is still in subsistence, and it is therefore of importance to attend to its terms. It narrates that— Treaty of 1792.

Whereas a certain engagement entered into between the Honourable English East India Company and his Highness the Nawaub of the Carnatic, bearing date the 24th February 1787, for the purpose of cementing an everlasting friendship with each other, and of contributing mutually towards the defence of the Carnatic and countries dependent thereon, whereby it was stipulated that the said Company should maintain a military force, and that the said Nawaub should pay annually a certain sum of money arising from the revenues of the Carnatic, and should furnish sufficient and satisfactory security, under certain conditions expressed in the said engagement, for the regular payment of the sum stipulated to the said Company; and whereas it appears by the representations of the said Nawaub, contained in a certain letter addressed by him to the Governor General, &c., &c., dated the 18th of the month Shawal, 1206 Higera (corresponding with the 9th June 1792), that the resources of the Carnatic are not competent to enable him to perform the stipulations in the said engagement; and whereas it further appears that the security which the said Nawaub agreed in the above-mentioned engagement to furnish for the due payment of the stipulated sum to the said Company is in its nature inadequate to the end intended; and whereas certain agreements have also been entered into between the said Company and the said Nawaub, for the discharge of certain debts due by the said Nawaub to private persons, it has been mutually agreed, in consequence of the above written circumstances, that the engagement aforesaid shall henceforth be considered by the contracting parties as annulled, and no longer of effect or in force; and in lieu thereof, the Right Honourable Charles Earl Cornwallis, Knight of the Most Noble Order of the Garter, Governor General, &c., &c., &c., invested with full powers on the part of the said Honourable English East India Company to direct and control the affairs of the said Company in the East Indies, in the name of and for the said Company, their heirs, and successors, on one part, and the Nawaub Wallah Jah Ameer-ul-Hind Omdut-ul-Moulk Asoph-ul-Dowlah Unevah-ul-Deen Khan Behauder Zuffer Jung Sepah Salar, Nabob of the Carnatic, in his own name, and for himself *and his successors*, his eldest son Nabob Omdut-ul-Omrah Najun-ul-Moulk Assud-ul-Dowlah Hassein Ally Khan Behauder Zool Sircar Jung, *and his heirs and successors*, on the other part, agreed to the following articles, which shall be binding on the respective contracting parties for the purposes contained therein, notwithstanding all or any of the conditions stipulated in the engagement dated the 24th February 1787 to the contrary. Vol. of Treaties, p. 424.

Article I. The friends and enemies of either of the contracting parties shall be considered the friends and enemies of both.

Article II. In order to execute the foregoing articles in its full extent, the Honourable English East India Company *agree to maintain a military force*, and the Nawaub Wallah Jah Behauder agrees *to contribute annually a certain sum* of money, hereinafter mentioned, as his share of the expense of the said military force, the said Nawaub further agreeing that the disposal of the said sum, together with the arrangement and employment of the troops supported by it, shall be left entirely to the said Company.

Article III. It is hereby also agreed that, for the further security and defence of the countries belonging and subject to the contracting parties in the Carnatic, &c., that all forts shall be garrisoned by the troops of the said Company; and *in the event of war breaking out in the Carnatic* and countries appertaining to either party, and depending on the Carnatic or contiguous thereto, it is agreed, for the better prosecution of it, *that as long as it should last, the said Company shall possess full authority over the Carnatic* (except the Jaghires belonging to the family of the said Nawaub, amounting to 2,13,911 star pagodas, which, on condition of the good behaviour of the Jaghiredars of the said Jaghires, and of their fidelity to the said Nawaub and to the said Company, shall be continued to them, subject to the pleasure of the said Nawaub only, and except also certain charities, amounting to 21,366 star pagodas, subject to the same conditions as are mentioned with respect to the Jaghires), and shall collect the revenues thereof, the said Company hereby engaging that, during such war, they will pay to the said Nawaub one-fifth share of the net revenue arising therefrom, and that, at the conclusion of the war, the Carnatic shall be restored to the said Nawaub, except in certain cases which are hereinafter mentioned.

Article IV. The Nawaub Wallah Jah agrees to pay to the said Company, for the purpose of mutual defence, the sum of nine lacs of star pagodas annually, as his share of the expense for the military force; and also, in consequence of certain agreements entered into by him with the said Company, and guaranteed by the Parliament of Great Britain, for the purpose of liquidating certain debts due by the said Nawaub, a further sum of 6,21,105 star pagodas annually, which further sum of 6,21,105 star pagodas shall cease on the full liquidation of the debts above mentioned, and the sum of 9,00,000 of star pagodas only shall continue to be paid by the said Nawaub to the Company.

Article V. The said Nawaub having agreed to pay the aggregate sum of 15,21,105 star pagodas, as mentioned in the fourth Article, determines that the tributes or peschush, payable by the Poligars, as more particularly mentioned in the Schedule No. 1, hereunto annexed, shall be collected by the said Company, who agree to make the collection thereof at their own expense and risk, and that they will not increase the demand on the said Poligars beyond the sum mentioned in the said schedule, except in the case hereinafter mentioned, nor charge to the said Nawaub either the expense attending the collection or any deficiencies that may arise thereon, but will give credit to the said Nawaub annually for the aforesaid tributes or peschush, in part payment of the sum of nine lacs of star pagodas above mentioned, without any deduction whatever. Although the contracting parties have, in the present instrument, agreed that the sum of 2,64,704 star pagodas 20 fanams, 26 cash, be deducted from the sum of nine lacs of pagodas, as the amount of the tributes or peschush from the Poligars, yet should it on future inquiry appear that the said Poligars ought, by virtue of any existing and lawful engagements, to pay a larger sum, it shall be demanded of them; and any addition that shall thus be made to the sums mentioned in the said schedule shall be deducted from the sum of nine lacs, in like manner with the sum of 2,64,704 star pagodas, 20 fanams, 26 cash, and a similar deduction shall in consequence be made in the kistbundy hereinafter mentioned. It is, however, mutually agreed that the diminution of this aggregate sum which shall take place on the full liquidation of the debts, as specified in the fourth Article, shall make no change in this Article, which shall, notwithstanding such diminution, remain in full force.

Article VI. The said Company, *desirous of preserving the rights of sovereignty over the said Poligars to the said Nawaub*, engage to the utmost of their power, and consistent with the realisation of the tributes of peschush from them, to enforce the allegiance and submission of the said Poligars to the said Nawaub, in customary ceremonies, and in furnishing the Poligar Peons, according to established custom, for the collection of the revenues, the support of Government, and for the protection of the property of the inhabitants of the said Nawaub's country, promising that all acts of authority shall be exercised, and all accounts of revenue (of which accounts the said Nawaub, if he so wishes, shall be annually furnished with copies), shall bear his, the said Nawaub's, name. For the better execution of this and the fifth Article, the said Nawaub promises to furnish to the said Company, that is to say, to their representatives, the President and Council of Fort St. George, the necessary orders, under his seal and signature, addressed to each Poligar, and to the purport hereof, without delay.

Article VII. After deducting from the above-mentioned sum of nine lacs of star pagodas, which forms a part of the aggregate sum of 15,21,105 star pagodas, mentioned in the fifth Article, the amount of the tributes or peschush from the Poligars, as specified in the Schedule No. 1, the said Nawaub agrees to pay annually the remaining sum, being 6,35,295 star pagodas, 15 fanams, 54 cash, together with the further sum of 6,21,105 star pagodas, for the purpose mentioned in the fourth Article, making the sum of 12,56,400 star pagodas, 15 fanams, 54 cash, at the following periods:—

	Star Ps.	*f.*	*c.*
On the 1st September - - - - - - - -	1,00,000	–	–
„ 1st October - - - - - - - -	1,00,000	–	–
„ 1st November - - - - - - - -	1,00,000	–	–
„ 1st December - - - - - - - -	1,00,000	–	–
„ 1st January - - - - - - - -	1,00,000	–	–
„ 1st February - - - - - - - -	1,00,000	–	–
„ 1st March - - - - - - - -	1,50,000	–	–
„ 1st April - - - - - - - -	1,50,000	–	–
„ 1st May - - - - - - - -	2,00,000	–	–
„ 1st June - - - - - - - -	1,56,400	15	54
Star Pagodas - - -	12,56,400	15	54

And it is mutually agreed, that on the full liquidation of the debts before mentioned, when the payment of the sum of 6,21,105 star pagodas shall cease, by virtue of the fourth Article, a reduction, in equal proportion, shall take place in the above instalments.

Article VIII. The said Nawaub engages to make good to the said Company the payments of the sums, according to the instalments of kistbundy contained in the seventh Article; and *if, contrary to his sincere intentions and exertions, any of the said sums shall not be fully paid*, at the *expiration of fifteen days* from the time limited, in that case the *said Nawaub agrees that the said Company shall assume the management of, and make the collection of the revenues from the districts mentioned in the Schedule No.* 2, hereunto annexed, according to the following conditions: and for this the present engagement shall be considered sufficient authority, the said Company, through their President and Council at Fort St. George, giving immediate and explicit information, according to the tenor thereof to the said Nawaub, who shall, on the arrival of the Company's officers in the said district, recall all his officers except one in each district, which officer shall remain at the Sudder Cutcherry, and shall be furnished annually by the officer of the said Company, with copies

of

of the Sudder Cutcherry accounts of the gross collections, and of the net receipts, under the attestation of the officer of the said Company, and of the Sudder Omlah of the district.

First. The said Company shall assume the management of such district or districts, the revenues of which, after deducting the charges of collections, shall equal the amount of the kist which shall have fallen in arrear.

Second. The said Company agree that a deduction shall take place proportionably from the amount of each of the 10 kists above mentioned, equal to the amount of the net revenue of the district or districts which shall have been assumed as above, such deduction commencing from the day that the assumption shall take place. It is also mutually agreed, that an account, called "*Balance account*" shall be immediately opened, for this and other purposes hereinafter mentioned, bearing an interest of 8 per cent. per annum, between the said Nawaub and the said Company, in which the said Nawaub shall be debited for the balance accrued in his above stipulated payments, and also for the amount deducted as above from the 10 kists, and shall be credited for the net revenue collected from the said district or districts, the said Company continuing to exercise authority in, and to make the collections from the same, until, in consequence of the full liquidation of the debts and diminution of the annual sum, to be for that purpose paid by the Nabob to the said Company according to the fourth Article, the said balance account shall be equal on the debit and credit side, and nothing shall remain due to the said Company, then the said district or districts shall revert to the management of the said Nawaub.

Third. Whenever the said district or districts, thus assumed, shall be restored, according to the above condition, it is agreed that in case any of the kists for the sum remaining (after the deduction of the sum of 6,35,21,105 star pagodas, that is to say, for the sum of 6,35,295 star pagodas 15 fanams 54 cash, be not paid 15 days after the expiration of the time limited, the said Company shall possess equal power to assume the districts mentioned in the said Schedule, No. 2, as in the first instance, and shall accordingly assume such district or districts, the revenues of which, after deducting the charges of collection, shall equal the amount of the kist which shall have fallen in arrear, from which they shall realise the balance that shall have arisen in the payment of the kists, and shall give credit to the said Nawaub for the surplus and subsequent net revenues, in part payment of the sum of 6,35,295 star pagodas 15 fanams 54 cash; and, in this case, the management of the district or districts thus assumed, shall for ever continue in the possession of the said Company, anything contained in the third Article of the present engagement to the contrary notwithstanding, and the said Company agree to give the Nawaub credit for the revenue arising therefrom.

Fourth. In order to prevent any loss arising to either party from this measure, it is mutually agreed that the district or districts which shall thus be assumed by the said Company shall be entire, as mentioned in the said Schedule, and not parts of districts.

Fifth. In consequence of this measure, whereby the districts mentioned in the Schedule, No. 2, become responsible for any arrears that may accrue in the payment of the above stipulated kists, the said Nawaub agrees that he will not grant tunkaws, or assignments, on any account on the revenues thereof, and if, contrary to this condition, any tunkaws or assignments should exist, where the said districts or any of them shall be assumed by the said Company, such tunkaws or assignments, shall be declared by the said Company and the said Nawaub to be of no value, nor shall they remain in effect.

Sixth. It is agreed between the contracting parties, that the above described balance account shall be annually adjusted, and a committee consisting of four respectable and capable persons, of which two shall be nominated by the said Company and two by the said Nawaub, shall assemble on the 1st day of August of every year, commencing with 1793, for the purpose of adjusting and drawing out a fair and equitable statement thereof.

Article IX. In case the said Nawaub shall at any time have occasion for any number of troops for the collection of his revenues, the support of his authority, or the good order and government of his country, the said Company agree to furnish a sufficient number of troops for that purpose, on public representation being made by the said Nawaub to the President and Council of Fort St. George, of the necessity of employing such troops, and of the objects to be obtained thereby; and the said Nawaub agrees to defray the additional expense of such troops so long as they may be employed at his request, this additional expense being the sum over and above the expense of such troops while in garrison or at fixed quarters: and it shall be at the option of the said Nawaub to reimburse the said surplus expense, either on the conclusion of the service on which such troops may have been employed, in money, or to add it to the debit side of the account called balance account, as more particularly explained in the second condition of the eighth Article.

Article X. The said Nawaub shall receive regular information of any negotiation which shall relate to declaring war or making peace, wherein the said Company may engage, and the interests of the Carnatic and its dependencies may be concerned; and the said Nawaub shall be considered as an ally of the said Company in all treaties which shall in any respect affect the Carnatic and countries depending thereon, or belonging to either of the con-

tracting parties contiguous thereto; and the said Nawaub agrees that he will not enter into any negotiation or political correspondence with any European or native power without the consent of the said Company.

This treaty, consisting of 10 articles, and having two Schedules annexed thereto, marked No. 1 and No. 2, shall be in force and have effect from the 12th day of July 1792 (corresponding with the 22d day of the month Zekaida, 1206 Higera); and the contracting parties having affixed their respective seals and signatures to two counterparts, on the dates undermentioned, that is to say, the Right Honourable Charles Earl Cornwallis, K.G., Governor General, &c. &c. &c., shall affix his seal and signature to one counterpart, on the part of the Honourable English East India Company, and the Nawaub Walla Jah Behauder, Nawaub of the Carnatic, shall affix his seal and signature to another counterpart, shall be exchanged.

Signed and sealed at Chepauk House, this 22d day of Zekaida 1206, and 12th day of July 1792.

The completion of this Treaty was communicated by Lord Cornwallis to the Honourable Court of Directors, by letter dated 9th July 1792, in which he says: —

Carnatic Papers. 1803, vol. ii., p. 84.

2. *The disadvantage and danger arising from the separation of the internal government and management of the revenue of the country from the responsibility for its defence* is so obvious, that if there had appeared to be the least chance of *obtaining the Nabob's voluntary acquiescence*, I should without hesitation have been ready to propose to him, as the plan best calculated for promoting his own interest and comfort, and the happiness of the inhabitants of the Carnatic, that he should *intrust the Company with the entire management of the country*, in addition to the responsibility for its defence, under an engagement on their part, after allotting certain sums for public purposes, and for the gradual liquidation of his private debts, *to pay to him regularly a liberal portion of its revenues for the maintenance of his family and the support of his dignity.* But the Nabob's own disposition, and the influence of a number of interested people of a variety of descriptions with whom he has intercourse, left me *no ground to hope that he could be brought to give his free consent to an arrangement of that nature; and a regard to justice and liberality towards an old ally, as well as to our own reputation in India, equally precluded the most distant idea of making use of any other means than those of persuasion, which I knew would be ineffectual.*

His Lordship then proceeds to mention that he had entered upon negotiations for a new arrangement, at the repeated urgent request of the Nabob, which had resulted in the treaty, and in explanation says: —

Ibid, p. 85.

8. I do not think myself called upon to endeavour to account for the Nabob's having been prevailed upon to agree, by the treaty which he concluded with Sir Archibald Campbell, to pay a sum into the Company's treasury *which so far exceeded the real resources of his country*, but shall only observe, that it was full time that this delusion, so flattering, but in the end so injurious to the Company and to his private creditors, should cease; and I am persuaded that you will feel as I did, that, exclusive of the jaghires, *not less than a fifth part of the revenues of the Carnatic should under any circumstances whatever be left for the support of his Higness' family.*

9. By observing this rule in the present agreement, it has certainly been rendered possible for the Nabob to be regular in his future payments; but, from the general improvidence of his management, and in particular from his having unluckily fallen into inveterate habits of allowing himself to be preyed upon by artful and interested men, I cannot help apprehending that his kists will before long fall again as formerly into arrear; and although the assumption of the different districts at the period of each failure will protect the Company against future disappointments, yet, as his share of one-fifth of his revenues is never to be diminished, the amount of those arrears, and the accruing interest upon them, must stand over in account as a debt to the Company until all his consolidated debts shall be discharged.

10. This could only have been avoided by an article in the treaty, to entitle the Company, upon the failure of the payment of a kist, to take the immediate management of the whole of the districts mentioned in the schedule; but I should have been restrained from making such a proposition from the harshness of its nature, even if I had thought it possible that his Highness could have been induced to consent to it. . . . .

14. The Nabob's failure in making good his stipulated payments alone compelled us at the commencement of the war, to take the management of his revenues into our own hands; but experience having convinced me, since my arrival upon this coast, that it would have been impossible to carry on the war without having likewise the means in our power to command, without delay or interruption, the resources that the Carnatic could afford of grain and cattle for the use of the army, I thought it my duty to propose that the Nabob should agree, that in case of a future war with any of the neighbouring powers, the Company should, *during the period of the war, assume the entire management of his country*, and it gave me great pleasure to find that neither his Highness or his son made the least objection to that article.

Referring

Referring to the foregoing Despatch, Mr. Mill observes, that it appears that "Lord Cornwallis set a great value upon this arrangement (the Treaty 1792), and fondly believed it was calculated to answer all the ends which it was the object of himself and his countrymen to secure. The complaints of which he had heard were chiefly complaints respecting the securities for the payments of the Nabob. The securities which he had taken had the appearance of being complete, and he saw not far beyond first appearances. The observation is just, "that though this engagement simplified in some points, and greatly ameliorated in others, the engagement which Sir Archibald Campbell had contracted, *it corrected none of its radical defects.*" Management during a limited and precarious period excluded that minute knowledge on which alone could be founded an assessment just either to the Company or the inhabitants; ensured the bad offices of all descriptions of the people who had an interest in courting the Government which they were again to obey; and totally prevented the introduction of a new management in place of that cruel and oppressive system, which, under the Government of the Nabob, desolated the country."

Vol. v., p. 330.

The treaty found unsatisfactory.

It will be observed, that the effect of the arrangement made by this Treaty of 1792, so far as the Nabob was concerned, simply was to oblige him in time of peace to contribute a certain sum towards the defence of the Carnatic and reduction of his debts, and to entitle the Company, in the event of failure in timeous payment, to assume the management and make the collection of the revenues from certain stipulated districts; and it was only in the event of war breaking out that the Company were empowered to assume full authority over the Carnatic, and to collect the revenues thereof. In time of peace the collection and management of the revenues and government of the country was left entirely in the hands of the Nabob. As, however, the Company were entitled, in the event of failure in due payment of the stipulated annual contributions, to enter upon the possession of certain districts of sufficient value to meet the obligation, it might be supposed, and in point of fact it was supposed by Lord Cornwallis, that the interests of the Company were sufficiently protected; and so undoubtedly they would have been, if the Nawaub's management had resembled the wise and beneficent Government to which the British people have been accustomed in the management of their own affairs. But unfortunately the Government of the Nabob was not of that description; at all events, the opinion formed by the English with regard to it was not merely that it was oppressive to his subjects (with which directly they had no concern), but that it was disastrous and ruinous to the interests of the Nabob, and to the condition of his revenues, in the prosperity of which their interest was direct and deep. The evils, moreover, which attended upon a divided government, that is to say, a country subjected to the government of two separate and independent sets of rulers (for by this time the English had necessarily their share of rule in the Carnatic) began to be felt. The extracts already furnished from the Despatches show that the opinion had been gaining ground, even prior to the Treaty of 1792, that the Carnatic never would be in a satisfactory state, as well for the Nabob as for the Company, *until the entire collection of the revenues and management or government of the country*, were at all times, whether during peace or during war, *entrusted to the Company*. Not that it was desired by obtaining such management to acquire the possession of any abstract power, but simply because, in a pecuniary point of view, such management would be more certain to ensure regular payment of the annual contributions for which the Nabob had become bound. Nor was it with any view, at least at this period, of extracting a revenue. Still less was there in the minds of the Company the most remote idea of affecting the *status* of the Nawaub, as sovereign of the Carnatic, or of doing anything but a benefit to him and his subjects.

Effect of Treaty of 1792.

Causes of defects of treaty.

Nawaub's Government.

Remedy.

The difficulty in the way was the very natural opposition of the Nawaub himself. His opposition to it when it was agreed to in 1781, and for a short time acted upon, has been already seen. And the Company felt that it would be a most ungracious, impolitic, and improper act towards one who stood to them in the position of an ancient ally, united to them by every tie of friendship and alliance for a long period of years, to use anything like force to compel him to accede to their wishes. Accordingly, in recommending the acquisition of the management, they uniformly enjoined the use of no other means than those only of persuasion.

Nawaub's opposition.

If the opinion so entertained prior to the Treaty of 1792 was well founded, facts which seem to have come to light afterwards, confirmed the Company and its

The real causes leading to next Treaty,

its officers still more strongly in the necessity of carrying that opinion into practical effect; and as it is of the greatest importance to the present case to demonstrate that the opinion so entertained was the real cause which led to the next and last treaty, that of 1801, which has been so erroneously misconstrued by the Directors of the East India Company in dealing with his Highness Prince Azeem Jah; it will now be proper to introduce in considerable detail a variety of Despatches by which the fact is substantiated.

demonstrated by Despatches.

The following Despatch is dated during the lifetime of Mahomed Ali:—

Carnatic Papers, 1803, p. 231.

EXTRACT of the Company's Political Letter to Fort St. George, dated 19 February 1794.

Para. 9. *The abuses practised under the Nabob's management in the collection of the tribute,* and the uncertainty of the demands of his Government, continually varying with his own necessities and with the avarice and extortion of his officers, have naturally rendered the Poligars suspicious even of the just and reasonable demands of Government. We are therefore glad to find that you have commenced a settlement of the tribute upon fixed and definite principles; and it is of the greatest importance that the Poligars should be convinced that it is the determination of Government to exact nothing from them in future beyond the amount of the tribute stipulated in the respective engagements, so long as they shall adhere faithfully on their part to the conditions of the settlement which has been concluded with them.

On the 13th October 1795, the Nabob Mahomed Ali died at the age of 78, after a reign of close upon 50 years. He was succeeded by his eldest son, Omdut-ul-Omrah. Mr. Mill, in recording this event, observes,—

Vol. vi., p. 40.

"From the date of the Treaty framed by Lord Cornwallis in 1792, the payments of the Nabob, being in the years of peace, had, through the agency of the money lenders, been regular. But the country, made over to the cruel exactions of this description of men, had rapidly declined. The continued operation of the same causes threatened to extinguish the resources of the Government, and, though no attempt had been made to ameliorate the state of affairs during the life of Mahomed Ali, the succession of Omdut-ul-Omrah appeared to Lord Hobart to present a favourable opportunity for introducing those reforms of which the necessity had become so urgent."

Accordingly, on the 24th of the same month in which the Nabob died, Lord Hobart, President at Madras, placed on record the following Minute in Council:—

Lord Hobart's Minute in Council, the 24th October 1795.

Carnatic Papers, 1803, iv., p. 99.

THE proposed arrangements which have been brought into discussion since the death of his Highness the Nabob Walajah, make it necessary for me to advert with more minuteness than has been usual upon the public records, to the system on which the administration of his revenue has been conducted, because it manifestly shows the necessity of that change which it is my object to accomplish, both in respect to the country itself, which, though under the immediate control of his Highness, it is the duty of this Government, in a general point of view, to cherish and protect, and in respect to the security which has been pledged to the Company for the support of their military establishment, and for the discharge of the consolidated debts guaranteed by Parliament to the private creditors of his Highness the Nabob. I shall, therefore, in this Minute, lay before the Board the information which I have collected, and the consequent observations which have occurred to me, upon the usurious loans which it has long been the practice (principally among the European gentlemen of the Presidency) to make to the Durbar for mortgages upon the different provinces of the Carnatic; and here I may be allowed to express my belief, that though the Honourable Court of Directors have been extremely pointed in their orders and observations against this practice, the continuation of it has been owing in some measure to the want of that candid exposition of the fact, which it is my intention to make.

The southern districts of the Nabob's country, and Tinnevelly in particular, as being the most distant from the Presidency, have been the theatre in which these scenes have been chiefly exhibited; but it is notorious that similar practices have been introduced, and are now actually in use in Nellore, Arcot, and Trichinopoly.

The transaction commences at Madras, where the kists of his Highness are payable, and is opened by an agreement between the Nabob and some one of the principal houses of business, or even some of the Company's servants, for the payment of a certain sum into the Treasury on account of his Highness' public engagements. The advancers of this money knowing from experience that a simple mortgage would be insufficient security, unless the means of reimbursing themselves should be placed in their own hands, find it necessary not only that a person of their own nomination should be appointed to the management of the mortgaged province, but that there should be a vigilant superintendence and a powerful support of the concern upon the spot; hence the expediency of a connexion between them and the military commanding officer in the district: he also finds

finds it advantageous to embark in the speculation, because he thereby adds considerable weight to his own interest, and because it facilitates the means of raising money to carry on his part of the concern. From this connexion both parties derive ample security for their money, by the absolute power of the one in command upon the spot, and by the weighty influence of the other in command of monied interest at Madras. This outline is filled up by a further connexion with the person who appears to receive the appointment of aumildar or manager from the Nabob; hence it is either stipulated that a person chosen by the money lenders of Madras shall be nominated to manage the district, or where men of rank may have already been appointed as foujdars by his Highness, the same effect is produced by a communication between him, the commanding officer, and the money-lenders, previous to the agreement for a loan at the Durbar. The combination is in this latter case completed by the appointment of a tehsaldar on the part of the money lenders, and thenceforward produces an uniform, consistent, and connected operation. His Highness having by this arrangement obtained his principal object, provision for the payment of his kist without any immediate disbursement from himself, delivers his people and his province up to the control and power of the manager, evidently without regard to their situation; because, as his terms with the money lenders necessarily provide for the removal of all restraint from the governing power, so he must expect that the manager, who can have no interest in the future prosperity of the country, will have recourse to every means by which he may hope to bear himself and his connexions harmless, and that within the shortest time possible.

The interest allowed by the Sirkar varies in different places, and depend not a little upon the influence which the lender may happen to have at the Durbar; at a medium, however, it may be stated at four per cent. per month, besides the pay of all the servants employed by the junto in receiving the revenue. This last charge is always a fixed sum at the expense of the Nabob, considerably above the actual expense incurred by the tehsaldar, and the difference is considered amongst the customary advantages of the concern. The manager, arrived within his district, immediately assembles his under managers, aumildars, and renters, and then ensues the second part of this oppressive system. The tehsaldar is importunate, and the manager must find means of satisfying his demands; subordinate soukars, native as well as European, are called upon for assistance. The soukar makes his advance; and in the first instance the aumildar, or renter of the districts assigned over as security for such advance, grants his bond until other securities shall be forthcoming; these are either the bonds of the inhabitants or grain. In time, about three-fourths of the sum are secured to the soukar by grain made over to him, and placed under charge of his servants; and for the other one-fourth, the bonds of the inhabitants are made over for that part of the revenue payable by them to the sirkar in ready money upon the cultivation of doy grain, &c. Those are frequently forced from them at the commencement of the season, which consequently compels them to anticipate the crops, and pay interest upon money before it be due from them.

At this period of the transaction, the soukar sends his servants and peons into the country, with an order from the Nabob's manager to the guards placed therein to afford every assistance (as it is generally called), but in fact to obey them implicitly in collecting the amount of the bonds from the inhabitants. Anxiety to secure so precarious a property naturally leads the soukar to adopt such measures as power enables him, and the custom of the country authorises. Then follows this process: if the ryot is dilatory in the discharge of his bond, he is confined without victuals, beaten with rods, and compelled to pay batta to those very peons and guards who are the means of his confinement and punishment. In this manner, I am credibly informed that an inhabitant who grants his bond for 100 chuckrums (nearly 40 pagodas), is compelled, before he is released from the consequences, to pay from 110 to 115 chuckrums, according to circumstances. If his credit or his other means is exhausted, which is too often the case, he must necessarily dispose of some part of his stock, which consists of cattle and seed grain.

The first part of the system which I have stated describes the original cause at the fountain-head, the second comprises the detail which springs out of it; in both, the considerations of the means which are immediately employed, and of the effect which it may produce upon the future revenue is abandoned; and while the grand mover of these effects is at a distance from the scene, and the subordinate instrument is hardened by practice, conscience is lulled to rest by the delusive opiate of interest upon interest.

Thus far I have traced the progress of a loan secured upon the bonds of the inhabitants; it will not be less principal for me to pursue it to the disposal of the paddy.

The first endeavour of those who are engaged in a concern of this nature is to enhance the price of grain by artificial means, lest the ordinary price of that article, the sole subsistence of the natives, should fail to answer the large advance of money, and the exorbitant advantage expected upon it by the soukar. The means of effecting this purpose is easy; for the necessitous condition of the ryots compels them to dispose of their grain as soon as it comes into their possession, in order to satisfy the urgent demands upon them which I have already described. The purchasers of this grain monopolise it until the demand, which increases with the consumption, advances the price; if, towards the expiration of the season, any part of the grain should yet remain on hand, the expedient is to divide the whole quantity, in whatever condition it may be, among the inhabitants, and to force it upon them by guddyum. This guddyum, it appears, compels the people (in general the manufacturers) to receive grain at a valuation considerably above the market price; and it would seem to be of ancient establishment and current practice, for in the

agreement which I was successful in negotiating with his late Highness the Nabob Walajah for placing a portion of the Tinnevelly weavers under the immediate superintendence of the Company's resident, his Highness has expressly reserved, nor could be prevailed upon to relinquish, the right of his sirkar to exercise this guddyum.

The inferior servants of the sirkar, whose duty should be to watch over the public interests, are placed under the arbitrary control of the money lenders, without whose permission not an anna can be expended, nor a measure of grain issued, except by stealth; indeed, I understand that, upon the arrival of a soukar or his representative in a mortgaged district, the usual custom is to notify his authority throughout the villages, and to prohibit the expenditure of grain or money but by his order. This prohibition extends to the ordinary charges of pagodas, maniums, and sibbeendy; and when an order is granted from the sudder cutcherry for any of these purposes, the persons receiving the sunnud must wait at the cutcherry of the money lender for a confirmation of his right.

Instead of receiving relief by tukavy (or advances for cultivation) at the proper season, by which to replace their cattle and to provide seed for extending their cultivation, the inhabitants are often obliged to sacrifice both to their own immediate wants and the rapacity of the soukar; of course, no system of regulation can prevail, and every hope of improvement must be relinquished. Some of the means for enhancing the price of grain I have already related, but the subject is exhaustless. The poligars have been prevented by the manager of Tinnevelly from selling within the sirkar lands the grain which is allowed them for dash cavellry (or watching fees); and I should hesitate to advance, if I was not supported by the authority of public record, that during a late scarcity of grain in the southern provinces, Extabar Khan, the Nabob's manager, had the hardiness to write a public complaint to the Company's collector against the poligars for selling grain to the inhabitants; nor was the evil removed without the interposition of this Government, who, by sending vessels loaded with grain, induced the monopolisers, from regard to their own interests, to restore their usual supplies to the market; yet did the Company not escape the effects of this monopoly, for they were reduced to the necessity of purchasing grain at the price to which the monopolisers had raised it, for the subsistence of those troops who were stationed there for the protection of his Highness' territories.

After this exposition, no comment can be required to show that this species of government, if it deserves the name of government, *contains the most grievous oppression of the people, the certain impoverishment of the country, and consequently the inevitable decay of revenue;* but it will be useful to show the particular manner in which it affects the resources of his Highness the Nawaub.

It is estimated, and I believe not with exaggeration, that the province of Tinnevelly alone is annually mortgaged, upon the terms I have described, to the amount of 300,000 pagodas; and calculating the period for which interest is paid upon the whole sum at six months, the amount of interest at 4 per cent. per month is - - - - - 72,000

The charges paid by the sirkar for the sibbundy of the money lenders during that period cannot amount to less than - - - - - - .3,000

The amount of loss, therefore, to the sirkar on this transaction is, pagodas 75,000

That an individual gentleman should, in less than three years, amass a fortune of more than 50,000 *l.* would be a matter of wonder, if this statement did not at the same time afford a solution of the difficulty and a proof of its own correctness.

But the scene is not closed here; besides the dealings of the principal soukars with the head manager, there are subordinate transactions of a similar nature among the inferior officers, and those who possess but smaller means for usurious practices, amounting in all perhaps from 50,000 to a lack of pagodas. This brings an additional expense upon the sirkar, because interest is allowed on all advances made by the renters on pressing occasions before the kists are due; and, on the other hand, the inhabitants are not exempt from a part of this expense, which is imposed upon them by fine, forfeiture, or guddyum, in order that he may be enabled to make the advance upon which he receives interest.

As the manager is under engagements to pay the fullest computed value of the district, he is justified, according to the custom of the country, in availing himself of every possible resource. A proportion of the church allowances is withheld; the pay of all descriptions of servants is kept in long arrear, and in particular the sibbendy sepoys; a small advance, indeed, is sometimes made for subsistence; but their principal resource (and it is not unproductive) is in the batta, which they receive by acknowledged practice while doing the duty of sezawuls, and in the dexterous management of the power which that service gives them, to extort presents for their forbearance. The manager knows from experience, that in the event of assuming the country, the English Government will be induced, either from motives of humanity to attend to the calls of these unhappy people, or from motives of policy to satisfy the clamours of a mutinous and undisciplined rabble. Thus, at the very time when the exigencies of Government became most pressing, a part of their resources, which ought to be immediate, is appropriated to the liquidation of arrears.

If this is a true history of the present management, it may be asked, why an immediate and large defalcation of the revenue does not follow; for the operation of such system as I have described tends directly to the point of ruin? Nothing less than the hand of arbitrary power could avert it, even for a time. In proportion as the means of cultivation decrease, the price of grain is enhanced; and it is a notorious but inhuman maxim of eastern

eastern finances, that a year of scarcity is more productive than a year of plenty to the sirkar, because, as a given number of mouths can only consume a proportionable quantity of grain, the immediate advantage or disadvantage of Government arises from the price at which that given quantity is sold. In years of plenty, the superfluous grain is in a great measure useless, owing to the partial and difficult means of exportation; in years of scarcity, the same given quantity is required for the subsistence of the people; and as the demand is greater than the supply, an increase of the price is produced by the usual effects of a competition in the market.

Though the dealings of soukars in the collection of the revenue are not of recent establishment, yet the terms of loans have never been carried to so usurious an extent as since the practice has been introduced among Europeans; and though the inevitable effects of it may be protracted by the harsh expedients of an arbitrary Government, yet no man who reflects upon such a system can doubt that *the resources of the country have been undermined; that the wealth of the people is exhausted; and that a principle of decline has been established which is now precipitating the Carnatic, with accumulated weight and rapidity to destruction.* Impressed as I am with a serious conviction of this truth, I cannot but look with extreme anxiety to the *nature of the security* provided by the Treaty of 1792, *for those resources on which the British interest* on the coast of Coromandel *materially depend.* I cannot but see that the *present system of collecting the revenues of the Carnatic manifestly invalidates that security;* and that, whenever a failure may happen in the payment of his Highness' kists, we shall in vain have recourse to it for the recovery of the defalcation. As those payments, though avowedly moderate in their extent, are now kept up by the extraordinary means which I have described, so it is reasonable to suppose that a failure, whenever it may happen, will arise from the total impoverishment of the people. In taking possession of a district under such circumstances—for the amount of a kist which will then have fallen in arrear—we shall, instead of finding the immediate means of reimbursement, become charged with an exhausted country, requiring all the liberal assistance and fostering attention of a lenient and indulgent Government. It is not only that our means will be curtailed at our greatest need, but that humanity and policy will call upon us for advances of money at a time when our expenses will be most burthensome. This is an embarrassment from which the known resources of this Government are unequal to extricate us, and it is a dilemma unprovided for by the Treaty of 1792; for the objects of that Treaty are, the payment of a debt guaranteed by Parliament, which we are not at liberty to postpone; and the discharge of military pay, which cannot be interrupted without danger to the State.

To avert the consequences of an evil big with such imminent danger, is an object that merits the most serious as well as the most unwearied attention of this Government; and it is a matter of very great mortification to me, that, seeing the progress of this calamity, and anticipating as I do its pestiferous effects, I am compelled to acknowledge that the means of arresting its course is extremely difficult.

The prohibitory orders hitherto published have all failed of their object; because the evasion of them is easy to Europeans through the agency of their native servants, and because the enormous profits which arise from those usurious loans hold out an irresistible temptation to adventurers. To prohibit the intercourse of Europeans at the Durbar is ineffectual; other channels of communication are open; and the superintendent of an usurious loan at Palamcotah conveys his demands to the ears of the Nabob with no less certainty than he who lives in the precincts of Chepauk. As long, therefore, as his Highness shall be so regardless of his true interests as to deliver up his provinces and his people to public depredation, so long will there be found men who, in the pursuit of extravagant advantages, will overleap the bounds of discretion and of moral obligation.

So desperate a malady *requires a remedy that shall reach its source;* and I have no hesitation in stating my opinion, that there is no mode of eradicating the disease but by removing the original cause, and *placing those districts which are pledged for the security of his kists beyond the reach of his Highness' management.* The disposition which his Highness has already evinced to suppose such an arrangement, leaves me in no doubt of the real cause. It is not possible to calculate *the extent and variety of interests which are involved* in this one pursuit; and though they are subdivided in every direction of the Carnatic, yet, at the call of danger, *they all rally round a common centre.* The great houses of business, who are the principal money lenders at the durbar, borrow from individuals who, though not absolutely engaged in the loan itself, are partakers of the speculation in a remote degree, and feel with no less sensibility than their principals the approach of danger: similarity of interest makes it a common cause; and the great body of influence which is condensed upon this principle is uniformly exerted *to support his Highness the Nabob in an inflexible resistance against amelioration of system,* and *to oppose a reformation which I consider essential to the national welfare.*

In the proposition which I have made to his Highness the Nabob, I am aware that I have offered great concessions on the part of the Company; but with the impression of the evils I have stated strongly on my mind, I could not but consider the object I had in view above every idea of a pecuniary nature, even if the system of the Nabob's Government was not in itself calculated completely to annihilate every source of revenue.

(signed) *Hobart.*

The subject was again brought up by the President upon the 24th November 1795, when his Lordship gave in the following Minute, from which it will be observed that he had found the Nabob unwilling, or rather unable, from the pressure of those about him, to agree to his proposals :—

Ibid, iv., p. 104.

PRESIDENT'S Minute in Council, 24th November 1795.

ENTRUSTED with the government of the Company's affairs upon the coast, it is my duty not merely to look to that temporary prosperity which an increase in their revenues, and the manifest improvement of their commercial concerns, is calculated to afford; but, considering their permanent interests as the substantial object of every administration, to point out all defects in their system, and more particularly if they are of a nature tending to undermine their resources, and contribute in an alarming degree to the insecurity of their possessions.

Under this conviction the Minute, to which the opinions I am now offering may be deemed supplementary, has been submitted.

The Treaty of 1792, entered into by Lord Cornwallis on the part of the Company and the Nabob Walajah, appears to have embraced three objects, viz., the discharge of the Nabob's private consolidated debts, provision for a military establishment in time of peace, and an arrangement to supply resources for a period of hostility.

The Company binding themselves for a stipulated sum (nine lacks of pagodas) to furnish a sufficient military force for the defence of the Carnatic, and the Nabob engaging to pay a certain subsidy under a guarantee of landed security, whereby a proportion of the revenues of the Carnatic were mortgaged for the execution of the provisions of the treaty, and therefore, so long as the Company fulfil the conditions on their part, they have acquired an interest, and eventually a right of interference to prevent the declension of those revenues to the extent of their being rendered inadequate to the security for which they have been pledged.

As they can have no claim, and, notwithstanding the increase of their military expenses, have made none under any circumstances, for calling upon the Nabob to augment his stipulated payments, so, on the other hand, under a liberal and equal construction of the treaty, they would be justified in interposing their authority to guard against a positive deficiency in the appropriated resources.

Was the security in bullion or moveables of any kind an attempt to transport it out of the reach of the Company, even during a period that no defalcation had arisen in the payment of the kists, would probably be resisted, if necessary, by force. The difference in the case now under discussion is, that whatever diminution (and it is considerable) in value the security is gradually though rapidly sustaining, carries along with it the destruction of the human race and the desolation of the country.

The treaty is formed upon a well-founded presumption, that the districts specified therein are capable, either in the hands of the Company or of the Nabob, of producing revenues competent to the purposes for which they are given as security; but that security becomes nugatory if the excessive deterioration of it shall not be deemed a virtual violation of the treaty, and warrant the adoption of measures with a view to avert the injurious effects of such deterioration.

If we look back to the origin of the Treaty of 1792, we shall find that it arose from the representations of the Nabob Walajah, that, without imposing burthens upon this people which they were not able to bear, he could not make the payments to the Company stipulated for in the Treaty of 1787; but he had no sooner prevailed upon the Government to acquiesce in a reduction of those payments, which he effected by the Treaty of 1792, than, by the manner in which he carried the provisions of it into execution, he increased the miseries of his people tenfold, and defeated every human and salutary object it was intended to attain.

Should the principle I have laid down be deemed insufficient to warrant a revision of the treaty, the open and notorious violation of it on the part of the Nabob, by granting, without the authority of Government, tuncas or assignments upon the mortgaged districts, contrary to an express article of it, would indisputably justify such measures as might be thought advisable for the security of the Company; and, in my opinion, calls upon the Court of Directors to issue such orders as may be best calculated to guard the interests of their constituents from so alarming and extensive an evil.

Under such an impression I have ventured to make a proposition to the Nabob, offering great, but, in my mind necessary, sacrifices on the part of the Company for the accomplishment of an object connecting their substantial interests with the welfare of the people of the Carnatic.

To those who may think the sacrifice too great, I would observe, that the realisation of the sums proposed to be relinquished (probably about 30 lacks of pagodas), under the present system, is a phantom that may be held up to their view, but must for ever disappoint their expectations.

The advantages to the Nabob, as well as to the Company, in the plan I have suggested are extremely obvious during the period of hostility; an increase of revenue arising from an improved management would be an essential resource to Government, in which his Highness would participate; from the receipt of a proportional addition to his fifth of the whole produce whilst in peace, the benefit would be exclusively his.

Under

Under existing circumstances, the Company sustain no loss except in extinction of the inhabitants of the Carnatic; but in the arduous season of war they must experience the most fatal defalcations.

It has been with the deepest regret that *I have found the Nabob unmoved by my entreaties and remonstrances upon the subject, not that he has been insensible to the justice and expediency of what I have proposed, but, as he has candidly confessed at several interviews with me, that he has not the resolution to comply, informing me that his native ministers and European advisers so perplexed, plagued, and intimidated him, that he could not venture upon the measure, notwithstanding his conviction that he ought to do so.*

In my Minute of the 24th ultimo I went into a full explanation of the mischiefs resulting from the pernicious practice of usurious loans. I traced the iniquitous system through all its intricacies, and exposed a detail of oppression and rapine not less offensive to humanity than destructive of public property, and ruinous to the permanent interests of the Carnatic.

The operation, however, of this system is not confined to the subjects of his Highness: it takes a wide range, and affects in a sensible degree the public credit of the Company, for a very large proportion of the specie in circulation being applied to the uses of the Nabob at an exorbitant interest, Government are forced into the measure of depreciating their own paper in order to raise funds adequate to the exigencies of the State.

The persons concerned with the Durbar, from the immense profit they reap, are well able to afford to raise money at 12 per cent., the legal interest of the country, and to lodge ample security for the debt; and hence it is that the Company are driven to the necessity of increasing the rate of interest upon their own paper in order to supply their immediate wants.

The effects of these usurious loans upon the commercial interests of the country, as well as every national improvement which would require a capital, are most lamentable; no trade can stand a competition with such exorbitant profits; and when the practice which so generally prevails with the eastern princes, of hoarding up every pagoda they can lay hold of, is superadded to the various corroding evils that have been stated, it would seem that *such a complicated system of ruin and devastation was without a precedent in the annals of the world.*

Had the Treaty of 1792 been adhered to with that good faith which the British nation had a right to expect from his Highness the Nabob, the country would have found in it a source of increasing prosperity, since, by its wise provisions, a considerable portion of the Carnatic was exonerated from those private assignments which have ever been productive of such oppression and distress to the inhabitants.

To the violation, therefore, of the treaty, may be attributed those evils which have been so fully set forth, and which loudly demand instant eradication.

(His Lordship then alludes to the state of Tanjore, in which, he mentions, the same system prevailed, and for which he proposes similar remedies.)

The acts of the Legislature with respect to usurious bargains; the reiterated orders of the Company on the subject, and the iniquity of such transactions, abstractedly considered, have had so little effect that I scarcely know what to suggest as a means of future prevention. Possibly it might be attended with good consequences if the Court of Directors were to order the Governor and Council of Fort St. George to take an oath, that in every case where, according to his or their belief, there shall be reason to suppose that any servant of the Company, or person living under the Company's protection, shall, subsequently to the publication of the orders in question, have been concerned, directly or indirectly, in any loan or other money transaction with any of the native powers, unless with the knowledge and express permission of the Government, such servant of the Company, or person living under the Company's protection, shall be called before the Council Board, and examined upon oath touching such supposed loan or money transaction; and in the event of such servant of the Company, or other person living under the Company's protection, refusing to answer to such questions as may be put to him, or not answering satisfactorily, so as to exculpate himself from all concern, directly or indirectly, in such loan or money transaction, he shall be sent to Europe by the first opportunity for having been guilty of a disobedience of the orders of the Company, and punished accordingly. And with a view more effectually to check this mischief, I would recommend that a proclamation should be issued, inviting to the discovery of these nefarious transactions, and offering a reward to any one that should bring forward substantial proof that such prohibited loans had been negotiated.

The pains, the trouble, the anxiety, and above all, the pressure upon my personal feelings, arising from the investigation and exposure of this subject in its true colours, must be a test to the Court of Directors how important I consider it to their interest as well as to the welfare of British India.

I am aware of the numerous enemies who will start up against me for the part I have taken; but I have a shield in the consciousness of an honest execution of my duty which blunts their arrows, and which will ultimately render all their efforts impotent and unavailable.

I have foreborne to bring forward the names of individuals, not because I am not able to do so, but because the subject is above personal considerations.

Let those who have amassed wealth by such means enjoy it as well as they can: let it be my pride to have paid this tribute to suffering humanity, by deterring others from the commission of similar enormities.

(signed) *Hobart.*

Shortly after receipt of the intelligence of Mahomed Ali's death, and of the communications which were thereafter held with his successor, the Directors addressed the following letters, the one to the Presidency and the other to the Nabob:—

EXTRACT of Political Letter to Fort St. George, dated 31 August 1796.

Carnatic Papers, 1803, 7, p. 240.

WE were greatly concerned at the intelligence, that the Nabob of Arcot and the Rajah of Tanjore had deviated from their engagements with the Company, by granting assignments upon the districts that were actually mortgaged to the Company as a security for the payment of their annual subsidy for the protection afforded them. It appears by the papers which accompanied your Despatch of the 25th February last, that the Rajah has acknowledged this infraction of the treaty under his own hand. But you have not furnished us with any proof of such infraction on the part of the Nabob; though, after the positive manner in which you have communicated the information, we have no reason to doubt of the fact. It does not appear, however, even if the most undeniable proofs had been laid before us, that we should be strictly justified, under the 8th Article of the Treaty of 1792, in assuming the collection of the revenues of the districts mentioned in the Schedule, No. 2, annexed to the treaty. From the baneful consequences, however, which are likely to follow to the countries upon which these assignments have been issued, and which must tend greatly to weaken, if not to annihilate, the Company's security, *we sincerely lament that the Nabob could not be prevailed upon to adopt the modification of the treaty* proposed by you upon his accession, founded upon principles of sound policy, humanity, and justice. We are so thoroughly convinced of the necessity of this arrangement, that *we authorise you to renew the proposition* in our name; and you will render a most acceptable service to the Company, should you, *by address, conciliation, and persuasion, be successful in procuring his Highness' consent thereto.* And as, at the conclusion of the Treaty of 1792, the late Nabob agreed with Lord Cornwallis that his debt to the Company at that time should be examined into by proper persons appointed for that purpose, and that he would abide by his Lordship's ultimate award, or the award of the Governor General in Council, we are willing to consent, if his Highness' acquiescence in the proposed arrangement cannot be otherwise obtained, to exonerate him from the whole of that demand, provided he will surrender to the Company's management the districts named in the schedule before mentioned.

LETTER, the Honourable Court of Directors to His Highness the Nabob *Omdut-ul-Omrah, Omdut-ul-Mulk, Ummeer-ul-Hind, Asoph Dowlah, Anaverdeen Cawn Behauder, Zupher Jung, Seppa Salar,* Soubardar of the Carnatic.

To the Nabob of Arcot.

Ibid, 7, p. 241.

1. WE have received your Highness' letter, dated Chepauk House, the 22d October 1795, containing the melancholy tidings of the death of your venerable father the Nabob Wallajah Behauder, and that, in consequence, your Highness had succeeded to the Government of the Carnatic. We sincerely condole with your Highness on the loss you have sustained: at the same time we offer your Highness our unfeigned congratulations upon your accession to the Musnud, in virtue of the Treaty of 1792, and assure you of our unalterable friendship and regard.

2. It was with great concern we received the intelligence, that your Highness had made some objection to the modification of the Treaty of 1792, proposed by Lord Hobart upon your Highness' accession. *That your Highness had the option to accede to or reject the proposal made to you by Lord Hobart, for a modification of the Treaty of* 1792, *we readily admit;* but permit us to observe, that the leading features of that treaty are *protection on the one side,* and *security for the payment of a fixed subsidy on the other.*

The Company, by fulfilling this important condition of the treaty on their part, and in constantly maintaining a large army, the expenses of which have considerably increased since the treaty was concluded, are peculiarly interested in whatever concerns your Highness' prosperity, or the prosperity of your country; and cannot possibly view with indifference any measures which have a tendency to *depreciate the revenues,* which have been specifically assigned as a security for the subsidy, to the extent of their being rendered inadequate to the security for which they have been pledged. It must be obvious to your Highness that we allude to the practice of negotiating usurious loans for tuncaws on the revenues, and which, if extended to the districts named in the schedule annexed to the treaty, must be considered by every impartial judge as a deviation from the treaty, and of a tendency to lessen, if not to annihilate, the value of the Company's security. In this observation it is far from our intention to produce any unpleasant sensation in the breast of your Highness: at the same time, permit us to observe, that *if the proposed modification of the Treaty of* 1792 *could be so arranged as to be made unobjectionable to your Highness, every possible cause of difference between your Highness and the Company in future would be avoided.*

We have therefore directed Lord Hobart to enter upon another negotiation with your Highness for this purpose, and we in the most earnest manner entreat your Highness to lend

lend a favourable ear to the proposition, so evidently calculated *for the ease and advantage of both parties.* In the adoption of the arrangement your Highness will afford an early and unequivocal manifestation of your regard for the Company and the British nation. Should you unfortunately not be induced to accede thereto, we shall not cease to lament that your accession should be marked by a disinclination to attend to the first representation which your friends, the Company, have had occasion to make to your Highness; nor, permit us to observe, is it our wish alone that your Highness adopt the proposed arrangement, but we have reason to know it is also most ardently desired by the confidential Ministers of our illustrious Sovereign.

It appears (for the correspondence was not returned to Parliament along with the other papers ordered to be printed in 1803) that on 25th October 1795, the Governor of Fort St. George had addressed a letter to the Governor General in Council, in which he represented that in consequence of several communications which he had with Mr. Dundas and with Lord Cornwallis before leaving England, respecting the necessity of a change in that state of things which was established by the Treaty of 1792, he had opened a negotiation for that purpose with Omdut-ul-Omrah, and that he had not communicated his intention to the Supreme Government, or waited for its concurrence, on account of the intrigues of those who, from personal interest, endeavoured to prevent the accomplishment of his object. Mill, vi., p. 45.

The members of the Supreme Government, however, had no sooner known of the decease of the Nabob, than on 28th October 1795, they wrote to the President of Fort St. George, with instructions *to endeavour to obtain the consent of Omdut-ul-Omrah to the cession of all his territories,* which was carrying their views or expectations a good deal further than those of the President of the Council of Madras.

Lord Hobart was desirous of taking more decided measures than the Governor General approved, and the two Presidencies came thus into collision, which occasioned some rather acrimonious writing. The views of the Governor General, however, appear from the following paragraph from a Despatch of Lord Hobart to have concurred with his Lordship in holding that there were evils of a flagrant nature necessitating a change:—

EXCERPT of a Letter from Lord *Hobart* to the Honourable the Court of Directors, &c. &c. &c., dated Fort St. George, 15 September 1796. Carnatic Papers, 1803, ii. p. 88.

Para. 8. HAVING established it as a maxim of British Government that circumstances may justify the deprivation of the Nabob's guaranteed rights, the Governor General in Council proceeds to enumerate some of the evils which have resulted to himself, his people, and the Company, from the undue exercise of those rights. The mal-administration under which his country has so long suffered, the evils of a divided government, the pernicious effects of Durbar influence and intrigue, the embarrassment of the Nabob and the Company from the usurious system of loans and assignments, and the ruinous consequences attending it to his Highness' subjects, are all acknowledged and lamented by the Supreme Board; and it appears, from the tenor of the Governor General's correspondence, to be a desideratum of national importance, implicating the most serious interests of humanity, that these causes of decay should be removed, and such an arrangement introduced for the administration of the Carnatic as might avert impending ruin, and lay the foundation of future prosperity.

His Lordship then enters upon a discussion in regard to some of the matters of difference. One of these appears to have been a question as to the right of the Nawaub to demand nuzzers, which seem to resemble feudal casualties payable by heirs or singular successors to their overlords at entry, and may be adverted to simply as indicating the status or relationship which the Nawaub was considered to hold towards dependencies.

Para. 21. Upon the death of the late Rajah of Calastry, the Nabob intimated his intention of demanding a nuzzer on the investiture of his son, which, understanding to be the custom of the Carnatic, and looking upon it as a complimentary acknowledgment of the Nabob's right of sovereignty, I was disposed to admit, but at all events judged it prudent to solicit the opinion of the Supreme Government upon the subject. In reply, the Governor General in Council conceiving that the Nabob "was rather tenacious as to the principle, than anxious as to the amount," suggested that he should be allowed to receive a sum which might fairly be deemed a complimentary acknowledgment of his sovereign right, but also directed, "That it should be settled with his Highness' acquiescence." *Ibid*, ii., p. 91.

22. A communication of the Nabob's sentiments soon discovered that he looked upon the nuzzers as a source of revenue, and not as mere compliment: upon which I immediately saw the necessity of urging the terms of the treaty as a bar to that understanding of the subject. His Highness adhered to his original idea; a second reference was made to the Supreme Government, and the discussion terminated in the Nabob's receiving a lack of

rupees. The Governor General has stated the precedent to the Nabob, as the rule be which he is at liberty to exercise his sovereign rights. I resist it as incompatible with the realisation of the tribute.

23. An appeal to the whole of the proceedings upon this transaction would be the most ample testimony of my consistency; but I shall merely trouble your Honourable Court, in addition to the extracts furnished by the Governor General in Council, with copies of my letter to the Nabob of the 26th April, of my minute of the 21st May 1795, and of the concluding paragraph of the letter from this Government of the same date.

Note.—Not returned to Parliament.

The paragraphs which follow, in which Lord Hobart presses the propriety of requiring from the Nabob an exact observance of his part of the treaty, are of no little importance at a time when the Company may be said to be refusing to fulfil their part of a treaty obligation.

24. I cannot forego this opportunity of expressing to your Honourable Court the deep regret I have felt at the frequent animadversions the Supreme Government have made upon my conduct. I will not presume to assert it as free from errors, but whatever those errors may be, I can confidently declare they have been the result of the most zealous anxiety to promote the interests of the East India Company.

25. The satisfaction to be derived from disinterestedness and generosity, is too grateful to a well-disposed mind to be checked by any considerations, except those of duty; but to publish to all the Indian world *that our allies may violate the faith of treaties, undermine the resources of the British Government, and withhold the liquidation of their debts to* the Company, without incurring any possible inconvenience, appears to be a sacrifice desperately alarming to the public welfare.

26. For my part, I must for ever disclaim that species of reputation which is to be raised upon the ruin of those interests which it is my duty to preserve, or to be acquired by resorting to popular arguments in support of a depopulating system. An *adherence to the faith of treaties is a great principle of the first public utility;* but if it be not uniform, it cannot be just. *It must be binding on both, or conclusive against neither party.* Vatel tells us, "*If the engagements of a treaty imposes on one side a perfect obligation, they give to the other a perfect right.* To violate a treaty, is to violate the perfect right of him with whom it has been contracted, it is to do him an injury."

27. The relative situation of the Nabob and the Company renders our protection to his country an act of indispensable necessity: he is indebted to our arms for the possession of it, and his interest is so interwoven with ours as to have become absolutely inseparable from it. Various engagements have been entered into between the Company and his father, for the purpose of realising his proportion of the military expenses, and for securing the liquidation of his private debts; but it is notorious *that the Nabob has never fulfilled his engagements*; and that his arrears at the opening of the last war, were so enormous as to oblige Lord Cornwallis to take his country into the immediate management of the Company's servants. The Treaty of 1792, had it been adhered to, was admirably calculated to correct the evils of the prevailing system, since, by making the forfeiture of a large proportion of the country the inevitable consequence of a defalcation in his kists, it secured the payments to the Government and the creditors from falling into arrear; and if the express stipulation against granting assignments upon the mortgaged districts had not been violated, the effect of the measure would have been as beneficial as its design was sagacious. The fullest consideration of this important subject, with the contemplation of that ruin in which the Nabob's breach of engagement is involving the Carnatic; the daily accounts I receive of the oppression and miseries of the unfortunate inhabitants; and the conviction I have of the progressive annihilation of the resources of the Company, have so strongly impressed my mind with the necessity of a change of system, that I have no hesitation in saying, if there be no doubt (and it is not possible that any man in India can doubt it) of the Treaty of 1792 having been violated by the Nabob, there can be no question of our right to avail ourselves of every means in our power to enforce such a modification of the treaty as will guard against the fatal consequence of future violation; and I am not afraid to hazard my character upon this opinion, resting it upon the policy, the justice, or the humanity of the measures.

28. I shall conclude this address with the recital of two paragraphs from Lord Cornwallis' letter to the Court of Directors, dated the 10th of August 1792.

29. The change of circumstances since that period seems to have lessened the weight of those arguments which his Lordship was apprehensive might be urged against an alteration in the system. The present Nabob, though heir to the possessions, cannot have the same claim to your consideration to which his father was entitled. The expectations justly entertained from the operation of the Treaty of 1792 have been disappointed, and the evils of the administration of the Carnatic have, if possible, been increased tenfold since the decease of Mahomed Ally.

EXTRACTS of a Letter from Lord *Cornwallis* to the Court of Directors, dated 10 August 1790.

Para. 22. I must freely own that I could not venture to propose any plan on the success of which I could have any firm reliance, unless the Nabob could be induced, by a large annual revenue regularly paid and properly secured to him, to surrender the management of his country for a long term of years to the Company.

Para. 24. The Nabob's age, his long connexion with us, his rights to the possession of the country, which, however, without our assistance, would have been but of little value to him, and exaggerated accounts of his former services, may furnish topics for popular declamation, and may possibly engage the nation upon mistaken ideas of humanity to support a system of cruelty and oppression. But whilst I feel conscious that I am endeavouring to promote the happiness of mankind and the good of my country, I shall give very little weight to such considerations, and should conceive that I had not performed the duty of the high and responsible office in which you did me the honour to place me, if I did not declare that the present mixed government cannot prosper even in the best hands in which your part of it can be placed; and that unless some such plan as that which I have proposed should be adopted, the inhabitants of the Carnatic must continue to be wretched; the Nabob must remain an indigent bankrupt, and his country an useless and expensive burden to the Company and to the nation.

I have, &c.
(signed) *Hobart.*

In consequence of the Nawaub being advised to refuse to agree to Lord Hobart's propositions, and of this unfortunate want of unanimity between the Presidencies, the proposal fell to the ground. That there were or were not, in point of fact, evils more or less great in the management of the Nabob, is not of any importance to the present case. The important point is, that the East India Company and its officials, whether right or wrong, were deeply impressed with an opinion of their existence. Some of these evils are of rather a curious description, and it is scarcely for the English to cast the first stone at the Nabob's corn law policy, which Lord Hobart so strongly condemns; but it is a circumstance which, in a case of this kind, may not altogether be lost sight of, that the evils of the Nabob's Government were to a very great extent the fruit of the English protection and interference in the affairs of the Carnatic. This is very clearly expressed by Mr. Mill:—

English protection a cause of evil.

"A fact is here very forcibly urged upon our attention, of which it is important to find the true explanation. Under their dependence upon the English Government, it has been seen that the people of Oude and the Carnatic, two of the noblest portions of India, were by misgovernment plunged into a state of wretchedness with which no other part of India, hardly any part of the earth, had anything to compare. In what manner did the dependence of the native States upon the English tend to produce those horrid effects? The difficulty of the answer is not very great. The oppressions of the native Governments were limited by their weakness. When they received the use of the English strength, their oppressions were limited by nothing but the physical powers of the people to exist under oppression. So ill has the science of government been hitherto understood, that, under all the governments which ever yet existed, except perhaps one or two, there is no regular and effective restraint upon bad government except from the dread of the insurrection and rebellion of the people. In the government of Asia this produces no inconsiderable effects, as the frequent revolutions and changes of dynasty abundantly demonstrate. When misery had produced disaffection, and disaffection had increased to a certain height, there was generally some popular leader who offered himself to the nation as an instrument of revenge, and cast the unworthy possessor from his throne. The progress in general was rapid and easy. When oppression produced a decline of revenue, the evident instability of the government deterred lenders; money became wanting to pay the troops; the troops first clamoured, and then mutinied; the voice of the nation joined that of the army; a revolution took place: and, commonly, for two or three generations, the new family governed comparatively well. Among the small sovereignties of India, misgovernment produced weakness, and weakness invited conquest. The misgovernment, for example, of the Carnatic and Oude, would infallibly have produced the conquest of the one by Tippoo, and of the other by the Mahrattas; and as a prince was commonly strong only because he governed well, to be conquered was among the happiest results which the people knew. Till, indeed, governments attain that high pitch of excellence at which they really perform, in the best manner and at the cheapest rate, the services of government to the people, all changes are in general for the good of the people. It is the stability of governments which, before the state of excellence, human nature has to dread. Now, it is evident, that when the uncontrollable force of a British army is lent to an Indian prince, his subjects are immediately placed without the pale of hope. The prince is completely set above the only fears which, in his situation, could operate as a restraint upon his disposition to oppress—that of insurrection, and that of being conquered. The

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source of almost all oppression in Asiatic and European Governments alike is the rage of extorting more and more of their earnings from the people. This passion, instead of being abated by the connexion with the English, is prodigiously inflamed; when the tributary prince is carried to all the excesses of taxation, not only by his own rapacity, but the necessity of supplying the enormous demands of his European masters; and when his soldiers, as well as people, are kept in abject hopeless subjection by the terror of European arms. The progress of this oppression produced in the English any determinate resolution of reform only when desolation of the country presented the prospect of a rapidly approaching moment at which the English subsidy could no longer be found."

Lord Hobart had been appointed to succeed the Marquis Cornwallis as Governor General of India. For the reason which will now appear to be somewhat extraordinary—his attempt to transfer to the Company the civil as well as the military government of the Carnatic—it was considered inexpedient that he should continue in India. His Lordship was recalled, and the Earl of Mornington was appointed to be Governor General in lieu of the Marquis Cornwallis, who had resigned his appointments.

At the period of his departure, the Directors transmitted the following Despatch to the President and Council at Fort St. George.

4 October 1797.

POLITICAL DEPARTMENT.

Carnatic Papers, 1803, 5, p. 203.

Para. 1. We have requested Lord Mornington to make a short stay at Madras, previous to his proceeding to take upon himself the Government General of Bengal, for the purpose of endeavouring to prevail on the Nabob of Arcot to agree to a modification of the treaty with his Highness in 1792. It were to be wished that the zealous endeavours of Lord Hobart for that purpose had proved successful; and as, in our opinion, nothing short of the modification proposed is likely to answer any beneficial purpose, Lord Mornington will render a most essential service to the Company, should he be able to accomplish that object, or an arrangement similar thereto; *but, feeling as we do the necessity of maintaining our credit with the country powers by an exact observance of treaties*—a principal so honourably established under Lord Cornwallis' administration—we cannot authorise his Lordship to exert *other powers than those of persuasion, to induce the Nabob to form a new arrangement.* To enter into a particular explanation of the relative situation of the Company and the Nabob would be superfluous; to point out the necessity of that connexion being clearly defined would be equally so; nor is it less evident, that the regular payment of his subsidy should be insured; that in consequence of our being obliged to have recourse to the security in case of failure on his part, we may find the value of such security undiminished, and the several districts forming such security, not impoverished under the management of those to whom tuncaws or assignments may have been granted.

2. Being equally desirous that some arrangement should be formed for the gradual liquidation of any debt that may be found due to the Company by the Nabob, we also recommend this object to Lord Mornington's attention.

We are, &c.

The following Extracts from the Despatches bear out the views already expressed.

EXTRACT from Political Letter from Fort St. George, dated 19 February 1798.

Carnatic Papers, 1803, 6, p. 219.

Para. 27. Having so fully entered in our last Despatch from this Department into the state of the Tanjore country and the Carnatic, we shall forbear to press upon your Honourable Court the subject of these Governments, further than to assure you each day's experience tends to confirm our observation, and to point out the *absolute necessity of providing some means to rescue from ruin the ultimate security for our existence on the coast.*

EXTRACT Letter from Lord *Mornington* to the Secret Committee, dated 23 June 1798.

Para. 4. By the overland Despatch, which will leave Calcutta on the 3d July, I intend to submit to you the whole detail of my proceedings with the Nabob of Arcot.

To the Secret Committee of the Honourable Court of Directors.

Honourable Sirs, Fort William, 4 July 1798.

WE had the honour to address you on the 3d instant.

2. We avail ourselves of this Despatch further to advise you, that the Right Honourable the Governor General has acquainted us that immediately on his arrival at Fort St. George, he lost no time in taking the necessary steps for opening a negotiation with the Nabob of Arcot, with a view to the accomplishment of your wishes with regard to the modification of the Treaty of 1792.

3. *The*

3. *The Governor General, however, found his Highness so completely indisposed to that arrangement as to preclude all hopes of obtaining his consent to it at present.*

4. His Lordship trusted that he should have had it in his power to forward to you the detail of his communications with the Nabob on this subject by the present Despatch. Other important matters, however, having pressed more immediately on his attention, he has been under the necessity of postponing the transmission of those details to a future opportunity. The delay appeared to him of the less importance, as his Highness' refusal to consent to the modification of the treaty of course precluded his Lordship from taking any further immediate steps in the business.

* Has never been sent.

EXTRACT Political Letter from Fort St. George, dated 15 October 1798. Nabob's resistance.

Para. 67. In a preceding part of this letter we have attracted the notice of your Honourable Court to the peculiar style in which his Highness the Nabob has continued to address us, upon the completion of his kist in the month of March last. His Highness took occasion to expatiate upon what he pleased to term the arbitrary and tyrannical proposal which had been made to him for a modification of his Treaty of 1792. His Highness concluded this letter by a request for assistance of troops to suppress certain disturbances in the southern provinces. Carnatic Papers, 1803, 6, p. 220.

68. This opprobrious expression was so inconsistent with the friendship and respect which his Highness in the same letter professed to entertain for the King, the nation, and the Company, of England, that we felt it incumbent upon us to expostulate with him upon the subject, and to explain that the proposal in question had been made in strict conformity with the wishes and instructions of the Court of Directors, and of his Majesty's principal confidential ministers, founded upon a just and clear conception of his Highness' permanent welfare and happiness, as well as upon principles of justice, humanity, and policy; and we expressed our concern that *his indisposition to meet those wishes, and his determination against the introduction of reform, had prevented a renewal of that proposal* according to the orders of your Honourable Court.

Matters, however, were making but little progress. The Governor General, in April 1799, put himself in communication with the Nabob without effecting any result, as appears from the following Despatch:

EXTRACT of Secret Letter from Fort St. George, dated 13 August 1799.

75. At our consultation of the 23d July, the Governor General recorded a letter from his Lordship to the Nabob, together with his Highness' answer, upon the subject of a modification of the existing engagements between the Company and his Highness. *Ibid*, 5, p. 204.

76. It is the intention of the Governor General to record, at a future period, the whole† of his Lordship's negotiation with the Nabob; but, in the meanwhile, we transmit at his Lordship's request, a copy of these papers for your information.

†Has never been recorded.

To His Highness the Nabob of the Carnatic.

(Written 24 April 1799.)

May it please your Highness,

1. Within a few days subsequent to my arrival at this Presidency, I had the honour to inform your Highness of the state of the differences existing between the Honourable Company and Tippoo Sultan: and conformably to the 10th Article of the Treaty of 1792, I explained to your Highness, in the fullest manner, the probability of an approaching rupture with that prince.

2. The conduct of Tippoo Sultan since that time having rendered war absolutely necessary for the security of the allied powers, hostilities have actually commenced.

3. The third article of the Treaty of 1792 stipulates, "That in the event of war breaking out in the Carnatic, and countries appertaining to either party, and dependent on the Carnatic, or contiguous thereto, it is agreed, for the better prosecution of it, that as long as it shall last, the said Company shall possess full authority over the Carnatic (except the Jagheers belonging to the family of the said Nawaub, and except also certain charities), and shall collect the revenues thereof, the said Company hereby engaging that, during such war, they will pay to the said Nawaub one-fifth share of the net revenue arising therefrom."

4. Under this article it is now become the right of the Company to exercise that full authority over the Carnatic which is thus formally acknowledged to be necessary for the better prosecution of the war.

5. Your Highness, I am persuaded, is also satisfied that it is now become my indispensable duty, without delay, *to assume the revenues of the Carnatic*, conformably to the third Article of the Treaty of 1792, *unless some new arrangement can now be framed, with the*

the consent of both parties, which shall afford equal security to the common interests of your Highness and of the Company for the vigorous and effectual prosecution of the war.

6. I am aware that both your Highness and your respected father have *ever been disinclined to the assumption of the Carnatic by the Company* in the manner specified by the Article in question; and entertaining an anxious and sincere desire, not only to promote your Highness' interests and welfare, but to respect your inclinations and sentiments to the utmost extent compatible with the security of the Carnatic, I am induced to submit to your Highness' consideration *the plan of a new arrangement* between your Highness and the Company, which, if it shall prove acceptable to your Highness, will preclude the necessity of resorting to the stipulations of the third Article of the Treaty of 1792, and of assuming the whole of the Carnatic, not only during the present, but during any future war.

7. In framing an arrangement on this foundation, I have endeavoured to extend its provisions with the view of comprehending the whole state and condition of your Highness' connexion with the Company, as well as the equitable adjustment of the various subjects of complaint which your Highness has been pleased to represent to me, since the period of my taking charge of the General Government of India.

8. Before I proceed to the details of this plan, I shall submit to your Highness' consideration some observations, which, as they proceed from my good wishes for your prosperity and happiness, I trust you will receive with the cordiality of friendship.

9. Your Highness' situation, for some years past, has neither been satisfactory to yourself, nor advantageous to the interests either of your own subjects or of the Company.

10. Your stipulated monthly payments, under the Treaty of 1792, are not only moderate in their amount, but cannot be stated to bear a due proportion to the increased military charges now defrayed by the Company for the defence of the Carnatic.

11. Your Highness will never forget that the amount of these payments was settled by Lord Cornwallis under an indulgent modification of the Treaty of 1787, the benefits of which the Company cheerfully relinquished for the purpose of relieving his Highness the late Nabob of the Carnatic, and ultimately your Highness, from distress of circumstances and from anxiety of mind.

12. Moderate as these payments are in their amount, they have proved the source of continual vexation to the late Nabob of the Carnatic, and to your Highness; and you have never been able to realise them in the Company's Treasury, without the utmost degree of difficulty and embarrassment *arising from unfortunate defects in the administration of your affairs.*

13. These embarrassments have occasioned the adoption of temporary expedients for the purpose of removing the pressure of the moment; and the consequence of resorting to *such expedients has been injurious*, not only to the peace of your Highness' mind, but to *the permanent interests and happiness of your subjects, and to the foundations of the opulence and prosperity of the Carnatic.*

14. The truth of this faithful and amicable representation will, I am persuaded, produce a just impression on your Highness' mind, when you reflect on the *large amount* of those sums of money *applied to defray the exorbitant rates of interests* on all the various *loans* occasioned by the necessity of discharging your monthly payments.

15. These loans have usually been accompanied by *assignments of territory to the creditors, whose vexatious management* of the revenues assigned has been the continual cause of the most aggravated *calamities to the inhabitants* of the Carnatic. In these transactions *the loss has fallen on your Highness, your subjects, and your funds;* and the illicit profit has enriched those who (to use the words of your respected father, addressed to Lord Cornwallis) never approach your Durbar for any other purpose than to pursue their habitual views of plunder and rapine.

16. Upon the whole, the final result of this system has been that your Highness' mind has continued in a perpetual state of solicitude and alarm, from *the difficulty of satisfying the Company's claims*, of which the moderation and justice cannot be contested; that *the resources of your country have fallen into a state of progressive decay;* and that the Company regularly receiving your Highness' monthly payments into the Treasury, has viewed, with unavailing regret, *the approach of that crisis in the Carnatic, when every source of public revenue and credit, as well as of private opulence, industry, and population, must be reduced to the lowest condition.*

17. Neither your Highness nor the Company can reflect with satisfaction on the regular discharge of your monthly payments, when those payments are known and acknowledged to be effected by means which aggravate your Highness' embarrassments, and rapidly exhaust the territorial security pledged to the Company for the military subsidy.

18. The collateral operation of this unhappy system is not less injurious than its direct tendency. The notoriety of these embarrassments, which compel your Highness to resort to the expedients of loans and assignments of territory, tends to a general expectation of the

the approaching failure of your monthly payments, and consequently, of a speedy transfer of the pledged districts to the management of the Company.

19. A constant expectation of war for some years past, has further countenanced the notion that the Company's management must soon be extended over a large part of your Highness' territories, under the third Article of the Treaty of 1792.

20. These expectations have precluded the possibility of introducing, for the relief of your Highness' subjects, any improvement founded on fixed and durable principles.

21. *The Carnatic, therefore,* in addition to the calamitous misrule of those who have governed it under temporary assignments of territory, *has been subjected to all the accumulated evils of a divided Government,* and of a fluctuating and precarious authority.

22. These sentiments relating to your Highness' situation are not the result of my judgment alone: *I submit them to you as the result of the deliberate judgment of the Honourable Court of Directors and of his Majesty's Ministers, formed upon a full, dispassionate, and impartial investigation of the relation in which your Highness stands towards the Company,* and of the whole state of your affairs.

23. The principles of sound and comprehensive policy, the duties of respect and regard for your Highness, as well as of those of humane consideration for the welfare of your subjects, demand that the Company and his Majesty's Ministers *should look beyond the mere convenience of the present hour,* to the certain operation of *evils menacing the permanent resources of your country.*

24. The apprehension of the approach of that period, when the necessary effect of these evils must break forth, to *the entire ruin of the interests of your Highness and the Company* in the Carnatic, has induced the Court of Directors and the Government of Fort St. George to urge with earnestness *the necessity of a new arrangement with your Highness.* They have, however, refrained from insisting to its full extent in that claim of justice and right which the Company derives from the letter, as well as from the general substance and spirit of the Treaty of 1792, according to the established maxims of public law and national faith.

25. Under that treaty your Highness' faith is unequivocally pledged never to grant tuncaws, or assignments of revenue, on the districts composing the security for your monthly payments to the Company.

26. I am aware that the same article has also provided for the avoidance of all such tuncaws or assignments as shall be found to exist on any of the pledged districts which shall pass into the hands of the Company, under the operation of the preceding articles of the treaty. But this provision cannot be viewed in any other light than that of an extraordinary precaution to establish an additional security for the interests of the Company; it cannot be continued to absolve your Highness from the positive obligation which you have contracted in specific sums, "not to grant tuncaws or assignments on any account, on the revenues of the districts responsible for any arrears which may accrue in the payment of the stipulated kists."

27. If the Treaty of 1792 has not provided a sufficient security for the due performance of this obligation, and if the neglect of this obligation threatens to defeat the primary object of the whole treaty, and to destroy the fundamental principle of your Highness' connexion with the Company, the contracting parties *must resort to the general law of nations to supply the defective provisions* of an engagement which it is their mutual interest to preserve inviolate, according to its true tenor and original spirit.

28. The permanent establishment of an adequate territorial security for the payment of your Highness' share of the expense of defending the Carnatic is the principal object of the Treaty of 1792. The treaty, therefore, would become nugatory and delusive, if no remedy could be provided against the continuance of a system whose unrestrained progress must ultimately deprive your Highness of the power of satisfying your engagements to the Company, and must leave the Company bereft of all means of recovering the ruinous consequences of such a failure; your Highness' own discernment will at once enable you to judge whether it was the intention of Lord Cornwallis, in signing the Treaty of 1792, to provide *a real, substantial, and lasting security* for the Company's military subsidy, *or to sanction a system of disorder, by which the whole value and efficiency of that security must be annihilated* before the Company could derive any benefit from it.

29. It is not necessary at present to trouble your Highness with a more detailed representation on this subject. The plan which I now have the honour to submit to you is calculated to preclude all such discussions; and I have revived the subject in this place merely for the purpose of pointing your attention to one of the principal causes which have rendered a new arrangement with your Highness indispensable.

30. Your Highness, I am persuaded, cannot reasonably view the proposition for a new arrangement proceeding from the Company with any degree of jealousy or alarm; I must repeat the observation, and I recommend it with all the earnestness of friendship to your most serious consideration, that a similar jealousy on the part of the Company would have bound his Highness the late Nabob, and your Highness, to the stipulations of the Treaty of 1787.

31. If the Company had pertinaciously adhered to the letter of that treaty, and had insisted on a strict performance of the engagements contracted under it, I leave it to your Highness' candour and justice to declare what would have been the actual condition of your affairs? But the Company then waived its undeniable rights under a subsisting treaty, and consented to a new arrangement at your solicitation and for your benefit. The Company has therefore a just claim to your Highness' favourable attention on the present occasion; and I trust that under this impression your Highness will not receive my earnest proposition for a modification of the Treaty of 1792, with any other sensations than those with which Lord Cornwallis received your respected father's application for a modification of the Treaty of 1787.

32. In proceeding to submit to your Highness the details of my proposed plan, I shall, in the first instance, state certain *general principles* which appear to me *necessary* to be observed, *for the common benefit of all parties.*

First. That the new treaty shall comprehend the adjustment of every branch of your Highness' affairs, as connected with your relation to the Company, *and shall leave no question open to future discussion.*

Second. That whatever adjustment shall now take place shall be so framed as to afford the umost degree of practicable security *against the possibility of future change,* in order that the new treaty may become *a final and conclusive settlement between your Highness and the Company.*

Thirdly. That with a view to secure the stability of the new treaty, as well as to provide an adequate remedy for the evils already enumerated in this letter, effectual provision be made, that *no part of the Carnatic shall remain or fall under a divided government, or a fluctuating or precarious authority.*

33. Referring to these general principles, the first object of consideration in the state of your Highness' affairs is your debt to the Company. This now consists, first, of the balance, as reported by Messrs. Woolf and Place on the 1st July 1793, str. pagodas 35,06,135; second, balance of the Kistbundy account, as per account made up to 7th September 1791, str. pagodas 19,98,006; third, balance of the new Cavalry Loan, with interest at 8 per cent. to the 12th October 1798, str. pags. 11,62,770. Total pags. 66,66,911.

34. The two first articles of this debt, at the earnest desire of his Highness the late Nabob of the Carnatic, were referred to the arbitration of the Governor General in Council in the year 1793; and a committee was appointed in Bengal for the purpose of assisting the Governor General in deciding upon them.

This committee has never yet delivered in any report; but having myself entered into a minute examination of the whole of these disputed accounts, and having considered with impartiality the respective claims of your Highness and of the Company, I have no doubt that, upon the balance of these accounts, you will be found justly indebted to the Company to a very large amount. If, however, a new arrangement should be acceptable to your Highness, I am ready, on the part of the Company, to consider whether it may not be practicable to compromise the whole of this claim (amounting to 55,04,141 pagodas), as well as the amount of any claim arising out of the payments made by the Company to your Highness' consolidated creditors of 1787. The extreme solicitude manifested by the late Nabob of the Carnatic to induce Lord Cornwallis to place these disputed accounts in a way of adjustment, and the engagement by which his Highness bound himself to submit implicitly to the award of the Governor General in Council, with relation to themselves, are sufficient testimonies of the importance and value of the concession which the Company may be disposed to make to your Highness in this article during the course of the negotiation.

35. With regard to the advance made by the Company to the late Nabob for the discharge of his Highness' debt, denominated the New Cavalry Loan, I am satisfied that this branch of your Highness' debt to the Company should be liquidated, partly by an arrangement stated from the 37th to the 41st paragraph of this letter, and partly (in the manner already proposed by your Highness to Sir John Shore) by the application of the sum of 6,21,105 pagodas, after your Highness' present guaranteed debt shall have been liquidated by the operation of that fund.

36. The great branches of your debt to the Company would thus be entirely extinguished by their indulgence, and the period of the discharge of your New Cavalry Debt would be settled in such a manner that it could never interfere with your convenience. A stipulation may be inserted in the treaty, binding the Company never to apply to your Highness for any advance of money on account of the New Cavalry Debt, previous to the period when its liquidation shall commence by the operation of the fund assigned for that purpose.

37. Your Highness has at different times preferred certain claims with respect to the Ramnad Surplus, and to the Peishcush of Sadras, and to the Pearl Fishery of Ceylon.

38. Your Highness has been informed that the whole question respecting Ramnad has been referred to the Court of Directors. If, however, I should be enabled to conclude a new treaty with your Highness, I shall be ready to decide the question of Ramnad without waiting for the result of the reference to the Honourable the Court of Directors. And being anxious to pay every attention to your Highness' just claims, I shall direct the balance

balance of the revenues of Ramnad remaining after the deduction of all expenses, according to the ninth Article of the Agreement of 1795, concluded by Lord Hobart, to be carried to your Highness' credit in the account of the New Cavalry Debt, immediately after your acceptance of the general arrangement which may be concluded between your Highness and the Company in consequence of this letter.

39. I propose to direct that the whole amount of the Peishcush due to your Highness since Sadras has been in the hands of the Company, shall be carried to your credit in the same account.

40. Your Highness' share of the Pearl Fishery has been calculated, on principles which admit of no contest, to be one-fifth part of the number of boats employed in the fishery in each season, and an quivalent sum of money has been allowed to your Highness in your general account. Immediately after the execution of the new treaty, I shall direct this sum also to be carried to your credit, on the same account and in the same manner as the two preceding sums, the Governor of Ceylon being now at this Presidency, in consequence of having received my orders to meet me here for the purpose of settling the affairs of his Government under my directions. If the proposals stated in this letter should meet your Highness' approbation, I shall direct the Governor of Ceylon to form a treaty with your Highness, securing to you the regular payment of your share of the Pearl Fishery; the payment to be made by the Governor of Ceylon into your Highness' treasury.

41. The Governor of Ceylon will state to your Highness the great injury which would arise to the fishery from suffering any persons to interfere with those to whom it is farmed; and I therefore trust that your Highness will not desire to send any boats to the fishery. The punctual payment of your just share appears to me to be the most advantageous settlement which can be made for your interests, as well as for those of the Governor of Ceylon.

42. Having thus manifested my desire to attend to the several objects which I know to be interesting to your Highness, I am further to inform you, that I am ready, by an article of the new treaty, to relinquish the right of the Company to the assumption of the Carnatic, during the present and during all future wars, on the following conditions:—

43. That your Highness shall place *under the exclusive management, control, and authority of the Company in perpetuity a territory equal to secure the receipts of the whole of your monthly payments into the Company's treasury*, which payments are, of course, to cease from that time. The territory to be placed under the management of the Company is described in a memorandum annexed to this letter. Your Highness will observe, that I have included the Southern Division of the Arcot Province, although not one of the mortgaged districts, with a view to preserve in your Highness' management the countries surrounding your capital, and that the revenues under each authority respectively may be as compact as circumstances will admit. In place of the Northern Division of Arcot, I propose to hold a district in the Southern Division of that province to the amount specified in the annexed memorandum. I shall also, for the convenience of both parties, be ready to exchange districts in the Southern Division of Arcot, adjoining to those of the centre, in place of the Jaghire lands which your Highness holds to the southward of the Coleware, *for a similar purpose of averting the evils of a divided authority.*

44. If the territory placed under the management of the Company should produce more than the stipulated amount of 12,56,400. 15. 54., the whole surplus shall be paid into your Highness' treasury, upon an account to be settled every third year, or more frequently, when a permanent settlement of the revenue of the Carnatic shall take place.

45. On the other hand, if, from any accident of season, or from any other casualty, any deficiency should arise in the revenue of the countries managed by the Company, the loss shall fall exclusively on the Company, and your Highness shall not be responsible for any part of it.

46. With respect to the districts remaining in your Highness' hands, your Highness shall not be accountable for any increase of their produce under your management, nor shall the Company be responsible hereafter for any contingent diminution of it.

47. As the expense of maintaining and repairing the fort contained in the districts to be placed under the Company's management will necessarily be transferred to the Company, an annual sum will be allotted for the purpose chargeable on the assigned revenue. The amount of this sum will be settled, with your Highness' approbation, during the negotiation of the new treaty.

48. I have already observed to your Highness, that the increase of military charges for the defence of the Carnatic has rendered the amount of your subsidy disproportioned to its original object; on every principle of justice, the Company would be warranted in proposing to your Highness an augmentation of your military subsidy; *but as I am anxious to preserve to your Highness the full enjoyment of an ample and unencumbered revenue*, I have endeavoured to provide a fund for the increase of the military subsidy without any diminuton of your actual receipts.

49. I propose, therefore, that whatever claims on the part of your Highness, or of the

Company, remain in doubt respecting the Poligars, under the treaty of 1793, should be now fully adjusted with the Company; and I am willing to accept that adjustment in lieu of all claims for an increase of your military subsidy, proportioned to the increased expense of defending the Carnatic.

50. The principle which induced the Company to seek the transfer of the Poligar Peishcush, will not admit any considerable augmentation of the annual payments from those tributaries. If the Company should hereafter deem it to be a wise policy, the increase must be very moderate, and must be considered as a commutation for the military services of the Poligars.

51. Under a new treaty founded on the basis described, I entertain no doubt that *your Highness' clear revenue would be considerably increased;* and I am persuaded that you will concur with me in this opinion, when you refer to the former and present value of the countries which will remain in your Highness' hands; and when you recollect the extent of your charges for collection and other contingencies, and the enormous sums which you are compelled to waste every year on account of interest and charges attending loans of money.

52. *Under such a treaty, the evils of a divided government, and of an unsettled and ill-defined power, would cease throughout the Carnatic.* The authority of the Company and that of your Highness could never interfere with each other; and the new settlement would bear such unequivocal marks of permanency and security as would inspire general confidence, facilitate the introduction of *an improved system of management,* and revive the decaying principles of general industry, productive labour, and individual affluence.

53. In order to render this settlement perfect in all its parts, and to secure your Highness' future ease and comfort under all possible contingencies, it will be expedient to establish some certain fund for the satisfaction of those private creditors of the late Nabob of the Carnatic, and of your Highness, whose claims now stand without security.

54. The operation of the sum of 6,21,105 pagodas will have liquidated the whole of the consolidated private debt guaranteed by Parliament in the year 1804.

55. After that period, by your Highness' agreement with Sir John Shore, the whole of this fund would be applicable to the New Cavalry Debt; but I propose that one-half the sum—namely, 3,10,552 pagodas 8 fanams, be appropriated to the payment of the interest and principal of the New Cavalry Debt, and the remaining half to the discharge of such just unconsolidated debt due by your father and by your Highness to individuals as shall, after the most strict examination, receive the sanction of your Highness, and of the Court of Directors.

56. After the liquidation of the New Cavalry Debt, I propose that the whole fund of 6,21,105 pagodas shall be applied to the payment of the unconsolidated debt, according to the principles stated in the foregoing paragraph; and when the whole of the private debt (thus sanctioned by your Highness and by the Court of Directors) shall have been discharged, I propose that the full amount of the sum of 6,21,105 pagodas shall be annually paid in cash by the Company into your Highness' Treasury.

57. Thus, Sir, have I submitted to your Highness the outline of *the only plan* which appears to me to promise *the hope of order to your affairs,* of *tranquillity to your mind, and of security to the interests of the Company* committed to my charge.

58. Under the new arrangement, your Highness would be relieved from all urgent demands, either of a public or private nature, and you would possess *a much more ample revenue* than you now enjoy, with the additional satisfaction of reflecting that your possession was liable to no disturbance either from the contingencies of war or from any casual failure of your resources. You would be at liberty to direct your undivided attention to the cultivation and improvement of those resources to the utmost practicable extent, and you never could feel the necessity of injuring the mainsprings of your revenues for the purpose of meeting the exigency of occasional difficulty.

59. Whatever increase of produce might arise in the districts managed by the Company would be *a new source of wealth to your Highness,* and you would feel a personal interest in every improvement which the Company might be enabled to introduce into the system of your revenue.

60. With these observations I shall conclude, earnestly entreating your Highness to give your most serious attention to this letter. The opportunity is now peculiarly favourable to the final adjustment of your Highness' affairs. If you suffer it to pass away without improvement, events may intervene to aggravate your Highness' embarrassments, to postpone, or even to preclude, all final arrangement of your affairs, and ultimately to involve you in inextricable distress.

61. If the general principles which I have suggested with the freedom and sincerity of friendship should meet your Highness' approbation, they may speedily be reduced to the form of a treaty, and I may be enabled, before my return to Bengal, to have the satisfaction of laying the foundation of perpetual ease to your Highness' mind, and of progressive improvement to this fertile but declining country.

62. Your

62. Your Highness will observe, that, throughout the whole of this letter, I have avoided any reference to your late failure in your engagements to assist the Company in the present exigency by the immediate payment of a part of the New Cavalry Debt. I trust you will attribute my silence on this recent transaction to my earnest desire of abstaining from any discussion which can be painful to your Highness.

I have, &c.

Fort St. George, 24 April 1799. (signed) *Mornington.*

The Nabob's answer, dated 13 May 1799 :—

My Lord,—Having read your Lordship's letter of the 24th ult. with great and serious attention, suitable to the importance of the contents, I shall return to it a fair and explicit answer. The candour and sincerity of my character, without a request from your Lordship, would have induced me on this, as well as on all other occasions, to speak without disguise. I have an additional inducement, however, for plainness of language and sentiment in the earnest desire and manly example of your Lordship. Carnatic Papers, 1803, 5, p. 213.

I acknowledge, my Lord, that, under certain circumstances explained by the third Article of the Treaty of 1792, the Company are vested with authority to assume the Carnatic, and amongst other things, empowered to collect the revenue which it yields; and I confess (without regard to the consequence of that confession) that the assumption of the control over the affairs and revenues of my country, under the provision of the treaty, would occasion a severe and heartfelt affliction, yet, if the time should arrive which should render it necessary that the Company avail themselves of the objects which that article secures, I hope that Divine Providence will endue me with fortitude adapted to the necessity of the season and the adversity of fortune, that I may make the sacrifice required of me, if not with cheerfulness, at least with dignity and resignation; and in performing this extreme act which the treaty enjoins (if it ever be demanded of me), I shall have a constant consolation in reflecting on the letter of the treaty itself, which stipulates that, as soon as the exigencies of the times which required the temporary sacrifice shall have been satisfied, I shall be reinstated in all my privileges and authority; and I should wrong your Lordship's honour, and slur the reputation of those whom your Lordship represents, if I could suspect for an instant, that, whilst I was fulfilling every relation to the Company with fidelity and exactness, they should hesitate on their parts to discharge their relative connective duties.

Possessing these avowed sentiments within myself, and this declared sense of the honour and justice of my allies, I have no disinclination of that strong and rooted kind which your Lordship would seem to indulge, so as to induce me to enter into any new arrangement rather than conform myself to the provisions of the existing engagements. No, my Lord, the Treaty of 1792 was concluded under such happy auspices, and is calculated, from its precision and clearness, to promote and maintain so good understanding between the parties to it, and is, moreover, so recommended to my affections by the loved and revered personages who framed it, that I could not for any personal inconvenience, were it ten times greater, so it were created by the treaty, consent that it should be altered even in a letter.

But your Lordship has submitted reasons, apparently more cogent, why a new arrangement would be desirable; and these arise out of the supposed defect of the treaty itself to insure the objects which it had in view, and the probable deficiency of my means to fulfil hereafter the duties which it imposes.

I cannot overlook a circumstance which, in affairs of this sort, must naturally present itself to the mind of your Lordship, that the treaty which is now suggested to be defective, has had a trial, my Lord, of more than seven years, and without a single exception, has been found for that period, not only sufficient for all common purposes, but has secured the fulfilment of every engagement stipulated in it with an harmony uninterrupted, and perhaps I might add, almost unprecedented in any country or age; and if experience be the true test of human institutions, there can be nothing, my Lord, to apprehend of the competency of the Treaty of 1792, to continue to the contracting parties to an incalculable date that happiness, that security, and that universal good-will which it has hitherto produced.

But, my Lord, you have directed my observation beyond the present hour, and have informed me that your Lordship and the Ministers of his Majesty the King of Great Britain (whom may the Almighty preserve) have looked, and do still look, with a politic care and wise prudence to future probabilities and events as they regard our mutual conditions, and that the prospect is terrifying.

I do not presume to know the grounds on which your Lordship has formed your opinion of the instability of my affairs, nor is it necessary that I should be acquainted with them; it is sufficient for me to know that they are abundant enough to enable me to keep with punctuality my plighted faith. Your Lordship, however, has supposed that, from a difficulty to raise the kists periodically payable to the Company, that I have been reduced to so great pecuniary distresses, that to provide a remedy for them I have had recourse to measures which I cannot bring myself to name, and that these measures, in their expected consequences, may affect the interests of the Company as connected with the treaty.

Your Lordship has a right undoubted to expect an explanation of me as to any public matter which may regard the affairs of the Company as interwoven with my own; and I shall be happy, on all occasions, as I am at the present opportunity, of answering that part

of your Lordship's letter which respects the alleged assignment of certain districts set apart by the Treaty of 1792, as a security for the Company on the possible occurrence of a described event. But as to anything foreign to this, that may relate either to the internal management of my countries or the government of my people, I must, on principles as obvious as they are just, decline to enter into a discussion.

The supposed assignment of the districts alluded to by your Lordship is stated as having been productive of the greater part of the mischief which is lamented and deplored in your Lordship's letter, and as having laid the seeds of a more deadly and extensive ruin; and your Lordship relying principally on this, and on the reasons applicable to it, has suggested the necessity of a new arrangement. I am happy, my Lord, to offer an unqualified explanation of this alleged transaction; and I have a double motive to rejoice at the opportunity afforded by your Lordship, since it will serve to free my character and honour from the imputations which at present rest upon it, and will convince you, my Lord, that there are no substantial reasons, which must give your Lordship infinite satisfaction, for any apprehensions on this or any other ground related to it.

I do most unequivocally assure your Lordship, on the word and faith of a Sovereign, that no one foot of the districts set apart by the Treaty of 1792 have been, or are in any manner or way, directly or indirectly assigned by me, or *with my knowledge, to any individual whatsoever*, and having made this solemn and unreserved declaration, I would hope that I need not urge more.

But I have suffered, my Lord, so much from reports, founded on an erroneous conception of my conduct in this particular, that I am unavoidably led to be more explicit, perhaps, than might be expected by your Lordship. I have been represented, my Lord, to the world (and it were impossible to calculate how far I may yet be injured by it, unless I put a limit to the representation) to have notoriously mortgaged and assigned the districts pledged to the Company, and the manner of my doing it has been publicly and confidently spoken of and proclaimed. That the ill-will of those who are inimical to my interests, may have no further pretence for their assertions, and that it may be unable further to operate to my prejudice on the enlightened mind of your Lordship, I shall briefly state the manner in which payments are made into my Treasury from those districts by the officers of my revenue departments, and which are ordinarily said to give rise to the assignments in question; and it is in this simple way:—

As my monthly kists require to be paid with regularity, and as the expense and danger of the remittance of money in specie from a distant country to the Presidency are great, my aumils or managers, for the amount of their respective payments, procure bills from the sircars for the particular sums to be remitted, and these bills are indifferently purchased of native bankers who may have money unemployed at Madras. They are taken without reference to me or to any connected with my durbar; they are paid in specie or grain, and never superinduce an agreement of any sort to which I am made a party, directly or collaterally. The transaction ends, as it originates, with the managers and the sircars.

Having convinced your Lordship, as I would believe, that the evil anticipated by your Lordship of the expected failure of my resources to answer the exigencies of the treaty can never happen from any of the causes mentioned by your Lordship, and that the treaty in its operation is capable of insuring all these advantages which it was designed to secure, I will not enter, my Lord, into a detail of the new proposals, founded on supposed circumstances which I have shown to your Lordship to have been without existence.

The wisdom and justice which pervades many parts of the arrangement proposed, I cannot but admire, as I have hitherto admired all the public acts and propositions of your Lordship. They are the certain and avowed offsprings of a great and comprehensive mind; and although I cannot so far accede to the measure as to give it, inasmuch as it regards myself, all the weight and authority of a treaty, yet I shall endeavour, as far as circumstances allow, to observe the genuine maxims which your Lordship has used to enforce your proposals, and the conduct which they would inculcate.

You need not be told, my Lord, of the unconquerable and insurmountable obstacle in the way of any new engagement, which could not be overstepped without outraging every principle that should make engagements binding; for your Lordship is not unacquainted that my revered and honoured father, with his departing spirit, entreated and enjoined me that I would not consent to the alteration of a treaty which he had painfully concluded; and I assured him, on the most sacred obligation that religion imposes, that I would obey his dying commands. Does it remain for me to conjure your Lordship, by the nobleness of your own nature, by your filial piety, by the reverence you owe to God, by each and all of these, not to renew an application which I cannot accede to without a breach of all moral and religious duties, and cannot listen to without reproach.

My Lord, praise be to the Almighty God, that in consequence of your Lordship's wise and resolute measures, the strong fortress of Seringapatam, which is equal to the wall of Alexander, and which has for a great length of time withstood all the attempts of other princes, has been captured, and the extensive country of Mysore restored to tranquillity and safety, by the annihilation of the disturber of that country. This has conveyed to my mind unspeakable joy and gladness: it was right that such a glorious victory, and the acquisition of such honourable advantages, should be derived purely from your Lordship's good fortune, and it will remain for ever on the records of time. Verse: "It is a happy plan that has succeeded; this affair has been effected by you, and is such as is done by the brave." The victories which my friends have obtained by Divine favour,

has

has given the greatest joy to me, who am their ancient ally; I consider them as an auspicious omen of my own happiness, and am persuaded that your Lordship will manifest your kindness toward me, especially in the support of my rights. The talooks of Currore, the two Sealams, and as far as Tungarpeatty, have always been dependencies on Trichinopoly. The father of Tippoo arrogantly usurped these talooks; I hope they will now be restored to me by your Lordship's justice. Another request I have to make, and with which I trust your Lordship will not only be not offended, but that you will grant my desire, is this: when friends acquire an immensity of power, those who are their sincere and ancient friends are inspired with certain hopes of obtaining their wishes. The troops for which I pay nine lacks of pagodas yearly, in the service of the Company, were employed with those of my friends in the reduction of the Mysore country. I trust, therefore, that I shall be allowed to participate in the conquered countries in proportion to the sum I contribute for those troops, and that thereby, through your Lordship's justice and equity, I, who have always followed the fortunes of my friends, and prayed for their acquirements of such success, may obtain my wishes. May your days be happy. What more?

Upon receiving Lord Mornington's Despatch, announcing the opposition of the Nabob to an alteration of the treaty, the Directors bethought themselves of an expedient to meet the difficulty.

EXTRACT Political Letter to Fort St. George, dated 5th June 1799.

Para. 16. Since the preceding paragraphs were written, we have received several papers respecting Lord Mornington's negotiation with the Nabob, in which we observe his Highness has proposed to relinquish his sovereignty over the Poligar countries, on certain conditions. As Lord Mornington has not given an opinion relative to this proposition, it is not our intention either to express our approbation of, or to offer any objections to, the terms proposed by his Highness. The only purpose which we have in view in adverting to these papers is, that the Governor General in Council should give you instructions as to the terms upon which the negotiations should be carried on, and that you may be guided by their opinion and directions before any arrangement shall be finally concluded. Carnatic Papers, 5, p. 216.

17. We have been advised by the Earl of Mornington, that *the Nabob continues to oppose a determined resolution to the modification of the Treaty of* 1792, which has been repeatedly proposed to him. At the same time we observe, that his Highness has distinctly acknowledged that he is in the practice of raising money annually, by *assignments of the revenues* of those districts which form the security for the payment of the Company's subsidy. *As this practice is unquestionably contrary to the letter and subversive of the spirit of that treaty, we direct* that, immediately upon the receipt hereof, *you adopt the necessary measures for taking possession, in the name of the Company,* of the whole or any part of the said districts, the revenues of which shall appear to be so assigned, and that you continue to hold the same, and collect the rents thereof, *in order that the Company may not in future be deprived of the only security which they possess,* under the before-mentioned treaty, *to answer any failure in the Nabob in the discharging his subsidy.* You will immediately communicate to the Nabob the determination we have come to, and the orders you have received relative to this point.

A few days later, however, it would appear from the following Despatch, that another idea had occurred to them, arising out of the stipulation in the Treaty of 1792 for the event of war.

EXTRACT Letter from the Secret Committee to Lord *Mornington,* approved by the Board, 13 June 1799.

In the event of a war with Tippo Sultan, the respective countries of the Nabob of Arcot and the Rajah of Tanjore will of course come under the Company's management; and we direct that *they be not relinquished without special orders* from us or from the Court of Directors for that purpose, in order *to afford sufficient time for the formation of arrangements* for relieving those respective princes from all incumbrances upon their revenues. Carnatic Papers, 5, p. 217.

The state of the Carnatic continued to be the subject of Despatches.

EXTRACT from Political Letter to Fort St. George, dated 16 October 1797.

We are extremely concerned at the frequent representations which you have occasion to make to us of the *distressful situation to which the administration of the Nabob is reducing the Carnatic;* nor can we cease to lament that *no effectual remedy has yet been devised for correcting the evils arising out of the present divided system of government;* the more especially as you have been reduced to the necessity of incurring a considerable expense for protection of the Pollams under the management of the Company, against the devastations committed by the Nabob's revolted Colleries. *Ibid,* 1803, 7, p. 251.

EXTRACT of Letter from Lord *Mornington* to the Secret Committee, dated 25th January 1800.

Carnatic Papers, 1803, p. 217.

Para. 14. The short duration of the war rendered it inexpedient for me to assume the management of the respective countries of the Nabob of the Carnatic, and of the Rajah of Tanjore, on behalf of the Company. The immediate effect of such an assumption would have been a considerable failure of actual resource at a period of the utmost exigency. I shall hereafter communicate my sentiments at large with respect to the state of Tanjore and the Carnatic. The latter now occupies my particular attention, and I fear that the *perverse councils of the Nabob of Arcot will prove a serious obstacle to any effectual improvement of your affairs in that quarter.*

Another expedient occurred to the mind of the Governor General, which, it is important to observe, contains the germ of the mode in which, with some variations, the desired arrangement was subsequently carried out.

OFFICIAL LETTER from the Governor General to Lord *Clive*, dated 26 March 1800.

To the Right Honourable Lord *Clive*, &c. &c. &c.

My Lord,

Carnatic Papers, vol. i., p. 59.

HAVING at present under my consideration the state of our relation with the Nabob Omdut-ul-Omrah, and the whole tenor of his Highness' conduct towards your Government, I shall soon be prepared to communicate to your Lordship the final result of my determination on these important subjects. In the meanwhile, the possibility of the sudden contingency of his Highness' death renders it expedient that I should state to your Lordship, in an official form, the opinions and directions which I communicated to you verbally during my residence at Fort St. George, for your Lordship's guidance, in the event of the Nabob Omdut-ul-Omrah's death.

Although the Treaty of 1792 was concluded in the name and on the behalf of the Nabob Wallajah and his successors, no obligation of that treaty binds the Company to place or to support on the musnud any individual of the family (if any should be nominated by the reigning Nabob) whose pretensions to the succession may be actually disputed, or may appear questionable.

Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ul-Omrah declares himself to be the father; it is, however, certain that *the mother of this young man is of low origin, and that she was never married to the Nabob.* It is reasonable to believe that the succession of this young man would be *felt as an injury to the rights of the late Ameer's son* by all who might think favourably of the latter's title, and all such persons would undoubtedly use every practicable effort to defeat such a succession.

Under the circumstances, *neither party could claim* our support *under existing treaties; and in determining to whom your support shall be granted, we are at liberty to consider the security of Great Britain's interest in the Carnatic,* and the general prosperity of the country, and the happiness of its people, as the primary objects both of our right and duty.

On this principle it is manifest that, *from the candidate whom we* may resolve to raise to the musnud, *we may justly require the most ample pledges for the effectual remedy of the evils which now afflict the Carnatic.*

For this purpose, *the successor of Omdut-ul-Omrah must be required to surrender to the Company, in the most absolute manner, the civil and military administration of the Carnatic,* not retaining possession of a single fortress, nor maintaining any armed force under any pretext whatever; no other arrangement would be adequate to the attainment of the indispensable objects which have been stated.

The general principles of the late treaty with the Rajah of Tanjore may be made the model of the agreement to be concluded with the successor of Omdut-ul-Omrah; such modifications of that treaty as may be rendered necessary by a variation of circumstances, will readily suggest themselves to your Lordship's mind. The article relative to forts and military establishments, noticed in the preceding paragraph, will admit of no modification. The amount of the provision to be made for the support of the succeeding Nabob, and of the other branches of the family of the late Wallajah, should be regulated with reference to the numbers and rank of the persons to be maintained, and on a scale of reasonable liberality.

Although the elevation of the supposed son of Omdut-ul-Omrah to the musnud would probably be disagreeable to the principal Mussulmen in the Carnatic, I am of opinion that *he might be rendered a better instrument for the accomplishment of the salutary ends proposed* than the son of the late Ameer could be expected to prove. Whenever, therefore, the death of the present Nabob may take place, your Lordship *will place the young man who passes for his son on the vacant musnud, previously requiring his consent to the conditions* generally described in this Despatch, unless any objection to this disposition should occur to your Lordship's mind; in which event your Lordship will be so good as to state your objections to me immediately after the receipt of this letter.

If the Nabob's supposed son should refuse or delay to subscribe to these conditions within 24 hours from the present Nabob's death, you will then give the son of the late Ameer the option of the succession on the same terms. If he also should reject the necessary conditions, your

your Lordship will immediately proceed to establish the Company's authority in the completest manner throughout the Carnatic; and you will suspend all further negotiation on the subject of the succession till the receipt of instructions from the Governor General in Council.

I am not aware that the Ameer has left more than one son; in the event of his male offspring being more numerous, your Lordship will consider these directions as applicable only to his eldest son; and you will not treat with any younger branch of his family.

Your Lordship will bear in mind the expediency of making a reasonable provision, in any of the cases supposed, for the Nabob's family, and for all natives of distinction and character, as well as for indigent families at present dependent on the sources or bounty of the Nabob of the Carnatic. Any arrangement which may be necessary for this purpose should take place, if possible, in the same instant with the establishment of the Company's authority throughout the country.

I have, &c.

Fort William, 26 March 1800. (signed) *Mornington.*

Extract of Letter from Lord *Clive* to the Secret Committee, dated 11 April 1800.

Carnatic Papers, 1803–5, p. 216.

Your letter to the Governor General, dated the 16th June 1799, is still under his Lordship's* consideration; but it is material for me to repeat, and with impressive earnestness, that *no security sufficiently extensive and efficient for the British interest in the Carnatic* can be derived from the Treaty of 1792; and that *no divided power, however modified, can possibly avert the utter ruin of that devoted country.*

* Lord Wellesley.

Extract Secret Letter from Fort St. George, dated 14 April 1800.

Para. 7. In all our late Despatches we have been under the necessity of attracting your notice to the *progressive decline in the prosperity of the Carnatic*, and to the *ruinous effects of the Nabob's administration.* We have accordingly confirmed the opinion already transmitted to the Court of Directors—an opinion which cannot be too urgently repeated—that *the Government of his Highness is rapidly approaching that state of weakness which cannot be relieved but by a radical reform.*

Carnatic Papers, 1803–5, p. 216.

The negotiations for an arrangement with the Nabob were thus alluded to by Mr. Secretary Dundas in Parliament, in laying before Parliament, on 25th March 1800, the India Budget:—

The due performance of the stipulations in the treaties with the Nabob of Arcot and the Rajah of Tanjore is secured by specific assignments of districts in their respective territories. As to the Nabob of Arcot, it was reasonably to be expected that the long-established alliance with his family, and a grateful sense of the eminent services they had received, would have been inducements to the most friendly and cordial co-operation in whatever might have a tendency to further the interests of his allies. A modification of the arrangements made in the year 1792 was desirable for the interests of both parties. The remonstrances with him on that subject have been formerly stated to the committee; nothing, however, has been yet effected.

On 12th June 1801, Mr. Dundas, in bringing up his India Budget, again alluded to his repeatedly expressed wish that the Treaty of 1792 "might undergo several modifications, the interests of the Company, and the welfare of the inhabitants of the districts under his Highness' government required it."

From all the quotations which have now been made, it is proved to demonstration— Result of evidence.

1st. That the Company were deeply impressed, whether right or wrong, with the opinion, that the Government of the Nawaub was not only injurious to himself and to his subjects, but threatened to be, at least ultimately, destructive of the securities for the British interests in the Carnatic. The objection was not, however, it will be observed, that he was not making regular payment of his contributions; but that his management threatened to destroy the security for the future payments. Necessity of change.

2d. That the Company were at their very wit's end to devise the means of obtaining such a change as would secure these interests beyond the reach of danger; and, Company embarrassed to procure it.

3d. That they did not feel themselves warranted in using other means than persuasion with the Nawaub to bring this change about.

But whilst they were alternately suggesting first one means and then another, and were latterly approaching the disposition of employing some pressure under cover of the provisions of the Treaty then in force; whilst they were anticipating the death of the then Nawaub, and the changes which would necessarily follow, and in doing so, ingeniously insinuating the possibility of there being contending claimants to the throne, and sowing the seeds of contention by casting a doubt

upon the legitimacy of the next heir, so as to render, on one side or the other, the assistance of a great power an object of importance, but an object to be secured only by granting those concessions which had been so ineffectually desired at the hands of his predecessors; whilst the discussion and anxiety on the subject waxed so hot and so high as to lead to the recall of one governor, and perhaps in some measure to the resignation of another,—a circumstance fortunately occurred which, to the relief of all their embarrassment, was at once and with eagerness seized upon as affording a plausible pretext for assuming the attitude of imperiously demanding that the proposals of the English Government should, without more ado, be agreed to. At the storming of Seringapatam, certain letters were found which had passed between the two Nabobs of Arcot, Wallajah and Omdut, and the Sultan of Mysore,—"the inveterate enemy" (to use language already quoted) "of his Highness' family and of the British name." The correspondence was at once set down as proving not merely the insincerity of the Nawaub's attachment, but that they had thereby become public enemies, and had forfeited every claim to consideration. The letter in which the discovery was announced to the Governor at Madras is a very remarkable document, and contains proof within itself of the light in which the discovery was regarded.

A fortunate discovery.

P. 24.

Papers, 1803, vol. v. p. 217.

Extract of Letter from the Governor General to Lord *Clive*, dated 7 April 1800.

Para. 10. Your Lordship will concur with me in opinion, that the disclosure made by the annexed documents of the disaffection of the Nabob Omdut-ul-Omrah supersedes the necessity of any further consideration of the state of the Company's connexion with that prince, under the orders lately conveyed by the Honourable Court of Directors to your Lordship in Council. While those orders were under my consideration, a combination of fortunate circumstances revealed that correspondence, which at once furnishes an explanation of the perverse spirit of his Highness' councils since his accession to the Musnud, and demands the application of the *sole effectual remedy for the evils* which those councils have brought upon his people.

Inquiry ordered.

The Governor General having announced this "fortunate circumstance" of the discovery of public enemies, in the person of those who for more than 50 years had been, or been considered, close allies and firm friends, gave instructions to Lord Clive to conduct inquiry into the subject, and transmitted a list of witnesses whose evidence was to be carefully and zealously collected.

Vol. vi. p. 217.

"In the meantime," says Mr. Mill, "the Governor General himself had completely prejudged the question, and did what depended upon him to make Lord Clive prejudge it in a similar manner. 'A deliberate consideration,' says he, in the very letter which directed inquiry, 'of the evidence resulting from the whole of these documents, has not only confirmed in the most unquestionable manner my suspicions of the existence of a secret correspondence between the personages already named, but satisfied my judgment that its object on the part of the Nabobs Wallajah and Omdut-ul-Omrah, and especially of the latter, was of the most hostile tendency to the British interests. The proofs arising from the papers would certainly be sufficient to justify the British Government in depriving that faithless and ungrateful prince of all means of rendering any part of the resources of the territories which he holds under the protection of the Company subservient to the further violation of his engagements, and to the prosecution of his desperate purposes of treachery and ingratitude.'

"However, the Governor General thought it would, notwithstanding, be more consonant with 'the dignity and systematic moderation of the British Government,' not to take the country from its prince till some inquiry had first been made. But he says, 'Although it is my wish to delay the actual assumption of his Highness' government until that inquiry shall be completed, I deem it necessary to authorise your Lordship to proceed immediately to make every arrangement preparatory to that measure, which now appears to have become inevitable.'"

Charge entirely unsupported by evidence.

It is a matter in reality of very little importance to the present case, whether the evidence was or was not sufficient to establish the charge which was fastened upon the Nawaubs. It is not usual, except in fable, to justify by accusing the great grandfather where the great grandson is without blame; and, accordingly, the Directors of the Honourable Company do not seem to make a point of the alleged fact. But it may be as well just at once to dispose of the matter, by quoting the opinion of an historian entitled to every consideration, and who manifestly has gone into the subject with much care, arriving easily at the conclusion, that there was no evidence to support the charge,—a circumstance which may readily enough be believed, when the object of making that charge, which the preceding remarks have explained, is clearly understood.

"Nothing,

"Nothing, surely," says Mr. Mill, "ever was more fortunate than such a discovery at such a time. When the Governor General, and all his superiors and all his subordinates in the Government of India, were languishing and panting for the possession of the Carnatic, but afraid, without some more plausible reason than they yet possessed, to commence the seizure, here it was provided for them in extraordinary perfection. But the very circumstance which recommended it to the eager affections of the East India functionaries will recommend it to the rigid scrutiny of those whose minds are more happily situated for appreciating the facts. Vol. vi. p. 218.

"The documents on which so extraordinary a value was set by the Governor General consisted almost entirely of certain things picked out from a mass of correspondence which purported to have passed between the 'Presence' (the title which Tippoo bestowed upon himself) and the two Vakeels, Golam Ali Khan and Ali Reza Khan, who accompanied in 1792 the hostage sons of the Sultaun to Madras. Besides these, only two letters were produced; one from a subsequent Vakeel of Tippoo at Madras, another supposed to be from Omdut-ul-Omrah, but under a fictitious name."

Mr. Mill then adverts to the possibility of the documents being fabricated, but that it was extremely improbable, and goes on to say,—"But an argument more conclusive than any argument from character, either national or individual, can almost ever be, at any rate to strangers, and those whose partiality one has no reason to expect, is this, that the papers prove nothing; which most assuredly would not have been the case had they been fabricated for the purpose of proving. On the other hand, if they had exhibited a proof which was very strong and specific, it would have been no easy task, after the very exceptionable manner in which they were examined, to have proved that all suspicion of them was utterly groundless."

He then, by a variety of explanations, shows how the correspondence proves nothing:—

"To establish still further the dark designs which the Governor General firmly concluded that a few hyperbolical expressions had already proved, a list of nine witnesses was transmitted to Madras, of whom the two Vakeels, Golam Ali Khan and Ali Reza Khan, were the chief. A commission consisting of two of the most approved servants of the Company, Mr. Webbe, the Secretary to the Madras Government, and Colonel Close, were selected to conduct the investigation. Every precaution was taken, such as that of preventing communication between the witnesses, to get from them either the evidence pure, or the means of detecting its impurity.

"It was resolved to begin with the two Vakeels, who of course could best elucidate their own correspondence. To form a proper judgment of their testimony, several circumstances ought to be remarked. In the first place, they were Orientals; that is, men accustomed, in the use of language toward those on whom their hopes and their fears depended, to regard very little the connection between their words and the corresponding matters of fact, but chiefly the connection between those words, and the impression, favourable or unfavourable, which they were likely to make on the minds of the great persons on whose power the interests of the speaker most remarkably depended. In the second place, it is impossible to conceive any dependence more abject than was, at this time, the dependence of the Khans, Golam Ali and Ali Reza, upon the English Government. The government under which they had found employment was totally destroyed. Every source of independent subsistence was cut off; they lived upon a pension which they received from the English Government, and which it was only necessary to withhold, to plunge them into the deepest abyss of human misery. They had every motive which interest could yield, to affirm what would be agreeable to the English Government. They could have no interested motive to speak what would be agreeable to Tippoo, Wallajah, or Omdut-ul-Omrah. In these circumstances, if they had given a testimony in every respect conformable to the wishes of the English Government, what depended upon their affirmation would have been regarded as of little or no value by any impartial judge. But in as far as they gave a testimony in opposition to those wishes, that is, in opposition, as they must have believed, to their own interests, their testimony has some of the strongest possible claims upon our belief.

"Everything was done to remove any obstructions which might exist in the minds of the witnesses to the production of such evidence as was expected. They were given to understand that no blame would be attached to them, who only acted under legitimate orders, for their instrumentality in the designs of their master. And they were assured in the strongest language, that any appearance of a design to conceal the truth, and they well knew what eastern rulers were accustomed to call the truth, would be visited upon them with all the weight of English indignation.

"Of the two Vakeels, Ali Reza was residing at Velore, Golam Ali at Seringapatam. As least remote, Ali Reza was examined first. In him, the examining commissioners say, in their report to the Governor, 'We think it necessary to apprise your Lordship that we discovered an earnest disposition to develop the truth.' Golam Ali they accused of base endeavours at concealment. The evidence of both, taken together, tends not to confirm one single suspicion, if any could have been justly derived from the papers, but to remove them, every one."

The historian then proceeds to dispose of the proofs, and adds, after some detail—

"The commissioners say, 'We examined Gholam Ali Meer Suddor, the Dewan Purniah, and the Moonshee Hubbeeb Olla,' that is, the men above all others acquainted with the

secrets of Tippoo's government; 'but as their testimony did not establish any fact, we thought it unnecessary to record their evidence.'

"*Not only does this evidence afford no proof of a criminal correspondence with Tippoo, on the part of the Nabob; but the total inability of the English to produce further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power, is a proof of the contrary; since it is not credible that a criminal correspondence should have existed, and not have left more traces of itself.*

"It is just to bewail the unhappy situation in which the minds of Englishmen in India are placed. Acted upon by circumstances which strongly excite them, their understandings are dragged, like those of other men, towards a conformity with their desires; and they are not guarded against the grossest illusions of self-deceit by those salutary influences which operate upon the human mind in a more favourable situation. The people of India, among whom they live, and upon whom the miserable effects of their delusion descend, are not in a situation to expose the sophistry by which their rulers impose upon themselves. They neither dare to do it, nor does their education fit them for doing it, nor do they enjoy a press, the instrument with which it can be done. Their rulers, therefore, have no motive to set a guard upon themselves, and to examine rigidly the arguments by which they justify to themselves an obedience to their own inclinations. The human mind, when thus set free from restraint, is easily satisfied with reasons for self-gratification; and the understanding waits, an humble servant, upon the affections. Not only are the English rulers in India deprived of the salutary dread of the scrutinising minds and free pens of an enlightened public, in the regions in which they act; they well know that distance and other circumstances so completely veil the truth from English eyes, that, if the case will but bear a varnish, and if they take care to stand well with the minister, they have in England everything to hope, and seldom anything to dread, from the successful gratification of the passion of acquiring.

"It is most remarkable, that of all the Englishmen in India, of whose sentiments upon the occasion we have any record, the Governor General and his Council, the Governor of Fort St. George and his Council, the examining commissioners, and the Persian translator, the very foremost men in India, not one appears to have doubted, that the evidence we have examined established undeniably the facts which they so eagerly desired to infer."

It will be seen from this, that Mr. Mill gives the officials of the Company credit for apparent sincerity in their imputation, and undoubtedly this was the most charitable opinion which could be taken; but it is one extremely difficult to arrive at in a full view of the whole circumstances, and particularly in the knowledge, which the Company repeatedly expressed in their Despatches, of the Nabob's "settled hatred" of "the Mysorean," and it is much more likely to have been simply the result of cautious official policy in penning their Despatches. In any view, what motive could there have been for real alarm after the hated Mysorean had been killed, his capital stormed, and his country subjugated?

But so obviously did the proofs fall short of evidence, that even Mr. Wilson, who, in editing Mr. Mill's work, generally agrees to differ from his author, although he is insufficiently informed as to the position of the Nawaubs of the Carnatic, is forced to admit, with much obvious reluctance, "that *upon the face of the correspondence little appeared to convict the Nawaubs of the Carnatic* of actual treachery against the British Government."

Mill, vi. p. 228.

The examination of witnesses was closed, and the report of the Commissioners drawn up and signed at Seringapatam, on the 18th of May 1800. It was not till the 28th of May 1801 that any further instructions of the Governor General were despatched.

Governor's instructions.

"The critical situation of the negotiation depending with the Nizam, appeared to me to render it advisable to postpone the adoption of measures required for the security of the Carnatic. The successful issue of that negotiation appeared likely to facilitate the arrangements which became indispensably necessary in the Carnatic; while a premature prosecution of these arrangements might have impeded, and perhaps frustrated, the successful issue of the negotiation at Hyderabad." Another reason was, that for some time he indulged the hope of being able to employ the weight of his own presence, in removing the obstacles which he expected to oppose the intended revolution in the Carnatic. When that hope was relinquished, he desired that Mr. Webbe, the Chief Secretary to the Government at Madras, might join him in Bengal, to communicate a more minute knowledge of circumstances than he could otherwise acquire.

"The delay," says the Governor General, "which has occurred, has enabled me to receive the sentiments of the President of the Board of Commissioners for the affairs of India, and of the Secret Committee of the Court of Directors, on the subject of the correspondence of the late and present Nabob of Arcot with Tippoo Sultaun. Those sentiments entirely accord with your Lordship's, and with mine, on the same subject."

The course of reasoning.

There follows in this and in subsequent Despatches, to be immediately quoted, what is elsewhere designated by the rather appropriate phrase, "*the course of reasoning*,"

reasoning," which was to be erected upon the letters, to justify the Company's attitude and secure compliance with their demands.

Excerpt from an Official Letter from the Governor General to the Right Honourable Lord *Clive*, &c., &c., dated 28th May 1801.

Carnatic Papers, 1803, vol. i. p. 45.

(*Most Secret.*)

My Lord, * * * * *

Para. 15. In determining the mode in which it may be expedient to exercise the rights of the British Government, under this discovery of the Nabob's violation of the alliance, our right to establish whatever system shall be judged advisable for administering the civil and military government of the Carnatic *is entirely relieved from the impediments hitherto opposed to the progress of improvement*, by considerations personal to the Nabob, and to his Highness' family. In all the different discussions which have taken place in every modification which has been proposed for the improvement of the connection between the Company and the Nabob of Arcot, *territorial possession* has justly been considered to afford the only adequate security for the military subsidy of the Carnatic. My knowledge of the internal administration of his Highness' affairs convinces me that the resources of the Carnatic can never be faithfully applied to the exigencies of public affairs, while his Highness shall exercise the executive government. I have no hesitation, therefore, in stating my decided judgment, that *no actual security can be established for the rights pledged to the Company in the Carnatic, for the effectual restraint of the adverse and faithless disposition of the Nabob of Arcot, or for the successful introduction of an improved system of finance, revenue, and judicature into the territories subject to the Government of Fort St. George, by any other mode than by administering, through the Company's officers, the entire civil and military government of the Carnatic.*

16. In the execution of this necessary measure, it would have been satisfactory to my mind if the safety of the British interests had permitted me to consult the personal convenience of the Nabob of Arcot, to the extent proposed in the modification of the Treaty of 1792, offered by Lord Hobart to his Highness' acceptance, and in the general plan for the arrangement of his Highness' affairs which I proposed to him during the progress of the late war in Mysore. It would have been an act of wisdom to have sacrificed to the principles of national moderation and magnanimity, the advantages which I had proposed to surrender for the attainment of the Nabob's cheerful concurrence in an engagement which he was considered at liberty to reject; but his Highness' hostile disposition having transpired, his violation of the most sacred ties of amity and alliance having been detected, it is become my duty to deprive him of the future means of injuring the British Government. Wisdom and prudence require, justice and moderation warrant, that his Highness should not retain the possession of actual resources greater than shall be requisite for the support of the rank which he shall hereafter be permitted to hold in the Carnatic. Reduced by his own conduct to the condition *of a public enemy*, he has forfeited all positive right to any share of the resources of the Carnatic; and his future situation must be determined entirely by the prudence of the Company, tempered with those considerations of lenity which, I trust, will always enter into the councils of every British authority. Under this view of the subject, it is my opinion that the stipend to be allowed to his Highness the Nabob Omdut-ul-Omrah, and to his family, should not exceed the sum of pagodas three lacs, nor be less than the sum of two lacs of pagodas.

17. I consider it to be extremely desirable that the Nabob should be induced, under a full conviction of the rights acquired by the Company, in consequence of the discovery of his father's negotiations, and of his own, to accede to the proposed arrangement in the form of a treaty. In expressing this wish, I am more desirous of consulting the dignity of the British Government, than of admitting any claim to its generosity and forbearance on the part of the Nabobs Mahomed Aly and Omdut-ul-Omrah. It would, however, be painful to your Lordship, and to me, to be compelled to expose to the world all the humiliating proofs of the ingratitude and treachery of those infatuated princes towards that power which has uniformly proved their guardian and protector. I therefore request that your Lordship will immediately open *a negotiation with the Nabob Omdut-ul-Omrah*, for the purpose of adjusting an arrangement for the *entire transfer of the civil and military government of the Carnatic to the hands of the Company*, on the terms specified in the draft of a treaty, which I have now the honour of transmitting to your Lordship.

18. In order to obtain his Highness' acquiescence in this mode of adjustment, it will be proper for your Lordship (after having fully apprised the Nabob of the nature of the proofs which we possess of his correspondence with Tippoo Sultaun), to offer the inducement of the largest provision to be made for his Highness' personal expenses; and in that event, I authorise your Lordship to insert in the Treaty the sum of three lacs of pagodas.

19. It is possible, however, that, in the actual state of his Highness' councils and temper, the Nabob may be disposed to reject even this moderate proposition; and to appeal to the authority of the Honourable the Court of Directors. In that event, *being already in possession of the sentiments of the Secret Committee*, founded on the discovery of the Nabob's faithless conduct, *I shall consider it to be injudicious and unnecessary to admit the appeal*, and

by that admission to enter upon a formal trial of his Highness' criminal conduct. The case requires that we should act *as against a state on the basis of the general law of nations*, and that we should employ the *power of the British Empire in India to demand, and, if necessary, to enforce an adequate security for our rights and interests* against the machinations of a faithless ally, who has violated the fundamental principles of a public alliance to the extent of placing himself in the condition of *a public enemy*. If, therefore, the Nabob Omdut-ul-Omrah, by refusing to acquiesce in the proposed arrangements, should compel the British Government, contrary to its wishes and intentions, to exercise its rights and its power to their full extent, I authorise and direct your Lordship to assume the civil and military government of the Carnatic; and I have the honour of enclosing a declaration which, in that event, I request your Lordship to publish under the authority of the Governor General in Council. Even under this contingency it is not my intention that the allowance to be made to the Nabob should be less than two lacs of star pagodas.

Prior to the date, and apparently to the receipt of this letter, Lord Clive had addressed the following letter to the Governor General:—

Vol. i. p. 83.
21 May 1801.

To His Excellency the Most Noble the Marquis *Wellesley*, K. P., &c. &c.

My Lord,

The reports which I continue to receive of the declining health of his Highness the Nabob of the Carnatic, afford the strongest reason to expect his speedy dissolution.

The letter of your Lordship's official Despatch (No. 12), dated 26th March 1800, sufficiently determines the measures which, at that period, your Lordship expected me to adopt on the occurrence of his Highness' death, at any period previous to the receipt of your Lordship's final determination on the whole tenor of his Highness' conduct, then under your Lordship's consideration.

But in the decision of this delicate and important question, it is also material to bear in mind, that the result of the investigation, which was directed in your Lordship's subsequent Despatch (No. 13), had not at that time been brought under your Lordship's observation; that, in consequence of the report of this investigation, your Lordship had made arrangements for proceeding professionally to Fort St. George for the execution of the measures which your Lordship had resolved to adopt; and that, being disappointed in the expectation, your Lordship had required the presence at Fort William of the principal executive officer of this Government, for the purpose of connecting, among other important objects, the whole detail of the measures to be adopted for the future government of the Carnatic.

If, therefore, in the event of his Highness' death, I should proceed to the execution of a treaty with his successor, according to the discretionary powers which have been vested in me by your Lordship's Despatch (No. 2), it is manifest that I should anticipate those details which are either at this time under your Lordship's immediate consideration, or have been calculated or determined by your Lordship's authority; and that, in either case, some new and important view, which a revision of the whole case may have suggested to your Lordship's mind, might be defeated by my premature interference.

After the most mature reflection on all the circumstances which are connected with these important considerations, I am satisfied that no material injury is likely to arise, but that much future facility will probably ensue, from holding the succession itself, as well as all its consequent arrangements, open for your Lordship's future commands.

I am accordingly prepared to limit my immediate views on the expected contingency to the assumption of the civil and military government of the Carnatic, according to the draft of a proclamation which I have the honour to enclose for your Lordship's consideration; for the transmission of which to all quarters of the Carnatic on the moment of his Highness' decease, I have made the requisite arrangements.

I have the honour to transmit for your Lordship's consideration the draft of a treaty which I had prepared, in conformity with your Lordship's orders in your Despatch (No. 12), 1800; but which the considerations already stated in this letter have induced me to postpone your Lordship's further commands.

Although this draft appears to me to be founded on the spirit of your Lordship's instructions, as being modelled on the principles of the late Treaty of Tanjore, it is proper for me to observe, that a full consideration of its effect, compared with the actual state and increased difficulties of the finances of the Company, will probably justify in your Lordship's opinion an arrangement more favourable to the interests of the Company.

I have, &c.

Fort St. George, 21 May 1801. (signed) *Clive.*

Enclosed in this letter were the drafts of a Treaty and of a Proclamation. In a letter of the following day, Lord Clive transmitted a paragraph which he proposed to add to the intended proclamation, "*for the purpose of tranquillising the minds of the Mussulman inhabitants at large.*" This fact is not a little important; and it escapes again and again in the subsequent Despatches that the British Government were alive to the necessity of conciliating the good opinion of the natives,

natives, and especially by avoiding every appearance in their dealings of violating their rights.

The two following letters were transmitted in reply. The instructions to Mr. Webbe, therein referred to, do not appear to have been returned to Parliament.

To the Right Honourable Lord *Clive*, &c. &c. Vol. i. p. 83.

My Lord,

1. I have had the honour to receive your Lordship's Despatch (No. 11), dated the 21st ult., and I think it of importance to communicate to your Lordship, with all practicable expedition, my entire approbation of the arrangement which your Lordship proposes to adopt in the event of the death of his Highness the Nabob Omdut-ul-Omrah, for exercising provisionally, on the part of the honourable Company, the entire civil and military government of the Carnatic. 2 June 1801.

2. Having recently considered the subject of the affairs of the Carnatic, connected with the transactions described in the correspondence discovered at Seringapatam, it is my intention to transmit to your Lordship, by Mr. Webbe, my detailed instructions for your Lordship's guidance, which will embrace as well the contingency of the Nabob's death, *as the nature of the security to be provided for the future interests of the Company in the Carnatic.* Until your Lordship shall receive these instructions, it is my wish that the civil and military government of the Carnatic should be exercised by the Government of Fort St. George, in the event of the death of Omdut-ul-Omrah; but it is my desire that your Lordship should entirely refrain from any negotiation with the reputed son of the Nabob, or with any other supposed heir of his Highness, until my intentions with regard to the future government of the Carnatic should be fully communicated to your Lordship.

I have, &c.

Fort William, 2 June 1801. (signed) *Wellesley.*

Official Letter from the Governor General to the Right Honourable Lord *Clive*, &c. &c., dated 4 June 1801. Vol. i. p. 60.

My Lord,

Para. 1. My separate instructions were delivered to Mr. Webbe for your Lordship's information and guidance, and provided for the contingency of the Nabob Omdut-ul-Omrah's death, and for the arrangements which it would, in that event, be advisable to adopt for the future government of the Carnatic; but the tenor of your Lordship's official Despatch (No. 11), dated 21st ultimo (May), having indicated the probability of his Highness' immediate demise, I now judge it prudent to furnish your Lordship with my sentiments on that subject, in the form of an official Despatch.

2. Whatever right the reputed son of the Nabob Omdut-ul-Omrah may be supposed to possess to the Company's support of his pretensions to the government of the Carnatic on the death of his Highness, is founded on the grounds of the rights of Omdut-ul-Omrah himself; the right of the Nabob Omdut-ul-Omrah to *the assistance of the Company in securing his succession* to the Nabob Mahomed Ally in the government of Arcot, was founded on the express stipulations of the Treaty of 1792. The result of the written and oral evidence obtained from the papers discovered at Seringapatam, has established abundant proof that the fundamental principles of the alliance between the Company and the House of Mahomed Ally, as well as the express letter of the Treaty of 1787 (of which the Treaty of 1792 was an indulgent modification), had been absolutely violated, and rendered of no effect by the Nabobs Mahomed Ally and Omdut-ul-Omrah, previously to the ostensible conclusion of the Treaty of 1792. It is manifest, therefore, that the Nabob Omdut-ul-Omrah could derive no right from the formal ratification of that instrument, the vital spirit of which had already been annihilated by his Highness' conduct; and that the Nabobs Mahomed Ally and Omdut-ul-Omrah, by forming an intimate union of interests with Tippoo Sultaun, had placed themselves and their whole house in the relation of *public enemies* to the British Empire in India.

Note.—Assistance was never asked nor required.

3. Whatever right to the Company's protection and support the reputed son of Omdut-ul-Omrah may derive from his supposed father, had been utterly destroyed by the hostile conduct of Omdut-ul-Omrah; and my instructions to your Lordship in consequence of the discovery of the inimical conduct of Mahomed Ally and of Omdut-ul-Omrah, having provided for the immediate exercise of the civil and military government of the Carnatic on the part of the Company, as the only measure of self-defence and security under all the circumstances of the case, it follows that the reputed son of Omdut-ul-Omrah (in the event of his Highness' death previously to your Lordship's execution of my orders) must succeed to the condition of his father; and that the British Government in India will, in that event, remain at liberty to exercise its rights, founded on the faithless policy of its ally, in whatever manner may be deemed most conducive to the immediate safety and to the general interests of the Company in the Carnatic.

4. Under this view of the question the British Government in India is at liberty to proceed to exercise, on the part of the Company, the civil and military government of the Carnatic, if it should judge that the most advisable plan of arrangement.

5. Many considerations, however, of expediency and policy must be connected with a measure of so much magnitude; the long-established connexion between the Company and the house of Mahomed Ally justifies us in sacrificing to the sentiments of national magnanimity and generosity the resentment occasioned by his Highness' flagrant breach of the alliance; and in every event it would be incumbent on the British Government to make a pecuniary provision for the family suitable to its dignity. The discharge of this duty is fully appreciated by the natives of India; *but it is by no means certain that, in the event of our proceeding to exercise a right founded on a violation of treaty, and on the necessity of self-defence, the powers of Hindostan would refrain from confounding the abstract principles of the general law of nations with ambitious views of aggrandisement and extension of dominion.* If, therefore, it should be practicable to obtain equal advantage and security for the Company by relaxing the exercise of its actual right, and by substituting the more gracious mode of conciliation and indulgence, I am disposed to think, under all the circumstances of the case, that it will be more consistent with the principles of our policy and character to adopt the most lenient method of arranging the future government of the Carnatic.

6. In this view of the question, it appears to me that, under the insufficiency of the pretensions of the Nabob Omdut-ul-Omrah's reputed son, as well as of all other claimants to the government of the Carnatic, no obstacles can be opposed to such an arrangement as the British Government may deem it expedient to adopt for the affairs of the Carnatic; while the proofs of the violation of the alliance between the Company and the house of Mahomed Ally will furnish your Lordship with abundant reason, upon every principle of precautionary policy and of justice, for reducing the pecuniary stipend of the proposed successor of Omdut-ul-Omrah to the lowest scale consistent with the dignity and honour of the British Government.

7. If, therefore, upon the receipt of this Despatch, your Lordship should be satisfied of the *disposition of the Nabob Omdut-ul-Omrah's reputed son to consent* to an adjustment of the affairs of the Carnatic by the treaty, on the principles of the draft which I have had the honour of transmitting to your Lordship, I authorise and direct your Lordship in council *to acknowledge the reputed son of Omdut-ul-Omrah to be the heir of his father, and to conclude a treaty with him, as Nabob of the Carnatic, on the terms and conditions which I have specified.*

8. But if the reputed son of Omdut-ul-Omrah shall oppose any resistance to such an arrangement, it will be proper for your Lordship in Council to proceed to exercise the government of the Carnatic, by publishing the declaration enclosed in my separate Despatch of the 28th of May, with such additions as the change of circumstances shall have rendered necessary, adverting to the reasoning contained in the second and third paragraphs of this Despatch.

In either of these events the stipend to be granted to the reputed son of Omdut-ul-Omrah should be diminished below the standard of that proposed for his Highness; and if the Government of Fort St. George should be compelled to proceed by declaration, it will be proper that the stipend of Omdut-ul-Omrah's reputed son should be regulated by the general scale of allowance to be granted for the support of the other branches of Mahomed Ally's family.

I have, &c.

Fort William, 4 June 1801. (signed) *Wellesley.*

P.S.—Your Lordship will observe that the *reasoning* applied in this Despatch to the reputed son of Omdut-ul-Omrah *is equally applicable to any person* whom his Highness may nominate to the succession. It does not appear probable that his Highness will make any other nomination than of his reputed son; but if he should proceed to any such act previously to his dissolution, the person whom he shall name his heir must be acknowledged, and a treaty concluded with him on the conditions already specified.

W.

Letter to the Nabob.

Along with the letter of 28th May to Lord Clive there was sent a letter of same date from the Governor General to the Nabob, in which allusion in general terms is made to what had been "brought to light;" the determination which had been formed in consequence is expressed, and it concludes by stating—

"I have communicated my final opinion to Lord Clive, with my positive directions to carry into effect without delay those arrangements which the nature of the case appears to me to require *for the security of the British interests in the Carnatic.* Lord Clive will enter into a full explanation of all the evidence which has been discovered at Seringapatam, and will also state to your Highness the purport of the instructions which have been received from me. I request your Highness to consider Lord Clive to be fully authorised by me to terminate the requisite arrangements; and, under this view of the question, I trust that you will not expect from me any interruption to the course of those measures which I have judged

judged to be indispensably necessary, and which I have directed Lord Clive to accomplish without further reference to my authority."

When this peremptory letter arrived, Omdut-ul-Omrah was labouring under his last illness; and upon a medical affidavit to the injury which would result from its communication, it was not delivered to his Highness, but its terms were obviously intended to indicate that it would no longer be of any use to offer that opposition to the proposals of the Company with which they had hitherto been so systematically, but most naturally, met by the Nabob and his advisers.

Troops stationed in Palace to prevent disturbance.

On 5th July Lord Clive reported to the Governor General that the Nabob was not expected long to survive; and that, having been informed that means had been used to introduce armed men into the Nabob's Palace of Chepauk, he had judged it expedient to station some of the Company's troops at the palace "for the purpose of preserving order until an arrangement of the affairs of the Carnatic can be effected;" and that he had the satisfaction of informing his Lordship that the troops had taken their position "without producing any commotion on the part of his Highness's family, dependents, or troops; and your Lordship may rely that every degree of conciliation and humanity, consistent with *the secure attainment of the ultimate object of this arrangement*, will be observed in the further communications with the Nabob, and with every part of his Highness's family."

Death of Omdut.

Omdut-ul-Omrah died on the 15th July 1801. Immediately upon receipt of the intelligence Lord Clive addressed the following written instructions to Messrs. Webbe and Close for their instant attention:—

Instructions to Commissioners.

To *J. Webbe*, Esq., and Lieutenant Colonel *Close*.

In consequence of the death of his Highness the Nabob Omdut-ul-Omrah, it is my earnest desire, founded on the instructions of his Excellency the Governor General, that a complete adjustment of the affairs of the Carnatic should be made with the least practicable delay.

The nature of the evidence which has been obtained of the violation of the alliance by the Nabobs, Mahommed Ally and Omdut-ul-Omrah, *and the course of reasoning* upon the condition in which the family of their Highnesses has, by that discovery, been placed in relation to the British Government, are subjects so familiar to you, that any particular instructions from me with regard to the principles, or to the detailed considerations of the question, appear to be superfluous. It will be sufficient for me, therefore, to state that the *death of the Nabob has produced no change in the principles* by which it will be proper to regulate the conduct of the British Government towards the family of his Highness; but in the *application* of those principles to the actual state of affairs, I judge it to be of the *greatest importance to the national character, as well as the critical state of our affairs*, that the arrangement of the affairs of the Carnatic *should be adjusted by an amicable negotiation.*

I accordingly depute you to conduct this *negotiation*, and hereby authorise and empower you to exercise your own discretion, for the purpose of carrying into effect my intentions, and the instructions of his Excellency the Governor General.

The officer commanding the forces at Chepauk will obey such orders as he may receive from you.

I am, &c.
(signed) *Clive.*

Commissioners' Proceedings.

Carnatic Papers, 1802, p. 8.

Messrs. Webbe and Close immediately repaired to the palace, where they were met by some of the principal persons in the service of the late Nabob. It is not of importance to enter upon all the details of what took place on this and subsequent days, but there are some passages in the Commissioners' Report of the proceedings, which are extremely useful, as showing distinctly the object of the interviews, and nature and effect of the proposals which were made:—

Commissioners' Proceedings.

15 July 1801.

In conformity to your Lordship's instructions, we proceeded to the palace of Chepauk, having previously caused a message intimating our approach to be communicated through the channel of Lieutenant Colonel M'Neil to the principal officers of the late Nabob Omdut-ul-Omrah.

On our arrival at Chepauk we were received by Najeeb Khan, Tukhia Ally Khan, Kadir Nawas Khan, and Mr. Thomas Barrett, who introduced themselves as the principal officers of the government of his Highness Omdut-ul-Omrah. Najeeb Khan appeared to hold no distinct office, but to have been a companion of the family since the time of Anwar-ul-Deen Khan, and to have been consulted generally on all occasions of interest to the Nabob of the Carnatic. Tukhia Ally Khan was intrusted with the military affairs of the late Nabob. Kadir Nawas Khan superintended the general and internal departments of

his Highness's government. But the most important part of his Highness's government, the administration of the revenues of the Carnatic, had been intrusted to the charge of Mr. Barrett. As that branch of the Nabob's government affected more particularly than any other the rights and interests of the Company, we judge it to be proper to explain to your Lordship that Mr. Barrett is of the lowest tribe of native Portuguese, equally destitute of education, manners, and knowledge.

Nabob's will appointing Ally Houssain his successor.

We inquired whether any particular arrangement had been made by the Nabob for the administration of the affairs of his government, in the event which had recently occurred; and having been informed that an authentic will, under his seal and signature, had been left by Omdut-ul-Omrah, we desired that it might be produced. Najeeb Khan, who directed the conversation, made the usual objections, founded on the recency of the Nabob's death, on the necessity of allowing a sufficient interval of time for the ceremonies of the occasion, and on the decorum of postponing to open the will until the heir appointed should be at liberty, in conformity to the usual practice, to attend to the transaction of public business. We replied, that the British Government was aware of the prevailing usages observed by the professors of the Mahommedan religion on all ordinary occasions of this nature; that your Lordship could have no wish that those usages should be unnecessarily transgressed; but that the affairs of a great government, on which our request was founded, could not be regulated by the ordinary practice of individual families. Having in consequence been informed that the Nabob had appointed his reputed son (Fadj-ul-Omrah, commonly called Ally Houssain) to be his sole heir, we again urged the necessity of producing the will, and requested that the young man should be introduced to us. The Khans having retired to consider this demand, we learned, during a desultory conversation with Mr. Barrett, that the Nabob Omdut-ul-Omrah had become acquainted with the intention of Hussum-ul-Mulk to employ an armed force at the palace of Chepauk, for the accomplishment of his views at the expected termination of his Highness's life; that the measure of stationing a body of the Company's troops for the protection of the family had in consequence been entirely acceptable to his Highness, and (to use his own figurative expression) that the security derived from that arrangement had been the means of prolonging his Highness's life.

Houssain Ally introduced. Will exhibited.

The Khans, having been joined by Mr. Barrett, returned, assenting to our request; and after a short delay, the young man was introduced, with the will in his hand. The will, having been opened and read by Kadir Nawas Khan, was found to be an authentic instrument, expressing in clear, distinct, and explicit terms, the will of the Nabob Omdut-ul-Omrah, that his reputed son (Ally Houssain) should succeed him in the possession of all his rights, possessions, property, and in the sovereignty of the Carnatic. The will also appointed Mahommed Najeeb Khan, Salar Jung, and Tukhia Ally Khan, to assist the reputed son of Omdut-ul-Omrah in the administration of his affairs.

The will having been read, we excused ourselves to Ally Houssain for an intrusion which although unseasonable, was indispensably necessary; and he immediately retired, returning expressions of civility.

Interview with Khans.

On the departure of Ally Houssain, we requested a private conference with the two Khans only, who had been appointed by the will of Omdut-ul-Omrah to assist the counsels of his son.

The Khans were informed of the nature of the documents discovered at Seringapatam, and some of the documents were produced. They expressed their surprise at the charge; pointed out the impossibility of its being true; and offered, upon being furnished with the evidence, to supply explanations and counter-proofs, upon which the Company might form a more correct judgment. It was not of course convenient to agree to such a proposition:—

Carnatic Papers, 1802, p. 10.

"This discourse being apparently intended to confound the object of our deputation, we stated to the two Khans, that in cases of *disputed points between independent powers* neither party could erect itself into a judge of the conduct of the other party; that on those questions an appeal could be made only to the general practice of the nations of the world; and that such differences could only be decided by the means possessed by each party respectively to provide for its own security; that, with respect to the present case, the most abundant proofs were in the possession of the British Government, of the violation of the alliance between the Company and the late Nabob, and particularly of the express stipulations of the Treaty of 1792; that the British Government, being *satisfied of the sufficiency of those proofs, had no intention of constituting itself a judge* of the conduct of its ally; but that, being prepared to appeal, if necessary, to the established maxims of the public law of nations, it *had resolved to demand from the late Nabob*, Omdut-ul-Omrah, *satisfaction* for his violation of the alliance, *and security for its rights and interests* against the future operation of his Highness' hostile councils; and the indisposition, which had terminated in the death of the Nabob Omdut-ul-Omrah, had prevented the execution of the Governor General's orders for this purpose; and although his Highness's right to the *support and friendship* of the Company had been entirely cut off by his violation of the alliance, the British Government, being *still desirous of preserving the connection so long subsisting, would be disposed to extend those sentiments to the reputed son of Omdut-ul-Omrah, if an adequate security could be established for the rights of the Company in the Carnatic, through the channel of an amicable adjustment.*"

Ibid. p. 11.

"After some further conversation, and the day being advanced, the Commissioners took their

their leave, assuring the Khans, 'in the most unequivocal terms, that *on the answer* which they intend to give to our proposition *would depend whether the British Government would acknowledge the claims of the reputed son of the late Nabob Omdut-ul-Omrah to the support of the Company*, or whether the British Government should proceed to take such measures as it might deem to be expedient for the security of its rights and interests in the Carnatic.'"

Another meeting took place on the following day; and after some preliminary communings, the report contains this most important passage, which may with all confidence be said to contain the elements for removing every difficulty felt by the Directors of the Honourable Company on the subject of the claims of his present Highness Prince Azeem Jah :—

"We proceeded accordingly to state to the Khans the *inconveniences* which had been experienced from the effects of *a divided Government*; the difficulty of applying, under such a system, the resources of the Carnatic to the exigencies of the public service; and the impossibility of introducing a regular form of internal government, until the defects of the existing system should be corrected. We then informed the Khans, that the only remedy applicable to the errors of the present government of the Carnatic, was the substitution of one permanent authority, in lieu of the fluctuating authority which had hitherto subsisted; that the appropriation of the resources of the Carnatic, during the government of the Nabob, and under the pressure of actual war, had been found from experience to be incompatible with the objects of the alliance; and therefore *the only adequate security for the right and interest of the British Government in the Carnatic against the dangers* with which they have been menaced, was the *entire and exclusive administration of the civil and military government of the Carnatic.* We accordingly informed the Khans, that *this condition would form the basis of the arrangement* which it was our intention to propose to them. Najeeb Khan observed, that such a proposition was calculated to frustrate the professed object of the arrangement; for, if the entire government of the Carnatic should be transferred to the hands of the Company, *the station of Nabob of the Carnatic would be annihilated.* We replied to the Khans, that the condition now proposed actually existed in the Treaties of 1787 and 1792; and that, although the entire civil and military government of the Carnactic had been transferred under the operation of that condition to the exclusive administration of the Company, no doubt was entertained that *the rank and dignity* of Mahommed Ally and Omdut-ul-Omrah, *as the Nabobs of the Carnatic had been preserved*; we therefore drew this conclusion, that the rank and dignity of the Nabob of the Carnatic could not be injured by extending the operation of that condition; and that the object of proposing an amicable adjustment, instead of proceeding to exercise the rights acquired by the British Government, was *manifestly founded on the desire of preserving to the family the rank, dignities, and splendour of the Nabobs of the Carnatic.* The Khans admitted this argument to be conclusive; but without coming to any determination on the fundamental proposition stated by us, appeared to be desirous of knowing the general outline of the arrangement which it was in the contemplation of the British Government to establish. We thought it expedient to satisfy, by describing the principal parts of the plan intended by your Lordship and by the Governor General, in the event of an amicable adjustment of affairs; but we apprised the Khans, at the same time, that the intended arrangements with respect to the family affairs and dependents of Omdut-ul-Omrah, would be regulated by the acceptance or rejection of the *fundamental proposition*; for in the one case the British Government would be at liberty to consult the dictates of moderation, liberality, and friendship, but in the other case it would be compelled to adopt such measures of precaution for the security of its rights and interests as the hostile conduct of Omdut-ul-Omrah had justified, and as would be rendered necessary by the perseverance of his reputed son in the spirit of those councils." Carnatic Papers, 1802, p. 12.

Some further conversation ensued, and an appointment was made for an interview with Ally Houssain. This interview did not take place till two days later, when the Khans having withdrawn, the young man stated with much anxiety that he had been deceived by them. Interview with Ally Houssain.

"The entire substance of the conferences was recapitulated to Ally Houssain, the nature of the proofs of the violation of the alliance was distinctly described, and the extent of the security required by the British Government concisely explained." The young Prince, after a desultory conversation of some length, at last proposed "that a treaty should be prepared by us," upon the basis of vesting the entire civil and military government of the Carnatic in the hands of the Company; and stated that he would be ready to execute the instrument, with or without the consent of the Khans, at another separate conference, which was appointed for the next day. Carnatic Papers, 1802, p. 19.

At the interview, however, held upon the following day, Ally Houssain withdrew his acquiescence. He was conveyed to a tent to meet with Lord Clive, apart from his attendance and advisers, where he stated that he considered it to be totally incompatible with his interests and honour to accede to the proposition on the basis of which he had agreed to conclude the treaty. He was remonstrated with, and informed that "*the alternative choice was either to become the acknowledged Nabob of the Carnatic, or one of the many pensioners dependent on the bounty of the Company*;" and the suspicion was expressed, that he might be influenced in his determination by interested persons, who "would be desirous Ally Houssain declines proposals. Carnatic Papers, 1802, p. 20.

of sacrificing *the permanent interests and honour of his family* to the attainment of their immediate advantage" (implying that the subscription to the treaty would secure the interests and honour of the family in permanence); and after being interrogated whether he clearly understood the consequences of his determination, Lord Clive, "with concern for himself individually, now apprised him that his future situation would be that of a private person hostile to the British interests, and dependent on the bounty of the Company. This declaration Ally Houssain received with a degree of composure and confidence which denoted that he acted from no impression of fear; and a smile of complacency which appeared on his countenance throughout this discussion, denoted an internal satisfaction at the line of conduct he was pursuing."

Negotiation opened with Azeem ul Dowlah.

The negotiation being thus closed on the part of Ally Houssain, Lord Clive directed the Commissioners to open, if possible, a negotiation with Prince Azeem ul Dowlah, the son of Ameer ul Omrah, and grandson of Mahommed Ali.

Carnatic Papers, 1802, p. 22.

"Endeavours were accordingly used to establish a communication with him; but it was found that so strict a watch had been established over him by the adherents of Omdut-ul-Omrah, that no means appeared to be practicable for opening a private communication with him; while any attempt to effect it by open means appeared liable to the serious objection of precipitating the fate of the young Prince. July 22d.—In this situation of things, it was reported to your Lordship by the officer commanding the troops at Chepauk, that Najeeb Khan and Tukhia Ali Khan had already performed the ceremony of installing Ally Houssain in a private manner on the Musnud of Arcot, and that they had resolved to instal him in a public manner on the following day. Your Lordship resolved to prevent a measure calculated to produce immediate commotion in the provinces of the Carnatic;" for which purpose the troops already commanding the entrance took possession of the palace, removed all the guards of the late Nabob, and placed a guard of honour about Azeem ul Dowlah, by which means Lord Clive's object of communication with him was secured. The objects of the Company were speedily explained to him, and the conversation had, at the interview which took place, "ended in a declaration of the Prince Azeem ul Dowlah of his acknowledgment of the right acquired by the Company under the discovery made at Seringapatam, and of *his readiness to afford, in the event of his elevation to the Musnud, that satisfaction and security which your Lordship and the Governor General had deemed to be necessary to the preservation of our interests in the Carnatic.* Having accordingly described to the Prince the entire outline of the arrangement proposed for the settlement of the affairs of the Carnatic on the basis of this proposition, it was agreed the arrangement should be prepared in the form of a treaty, to be discussed at an interview appointed for the next day."

Azeem agrees to stipulations.

Carnatic Papers, 1802, p. 23.

Treaty adjusted.

Accordingly, upon the following day a meeting was held, at which the Commissioners produced the draft of the treaty, the terms of which were then discussed and adjusted.

Carnatic Papers, 1802, p. 24.

"In concluding our report of this conference (the Commissioners say), we cannot omit to state to your Lordship the impression made on our minds by the decorous deportment, moderation, and good sense by which Azeem ul Dowlah distinguished himself upon his sudden elevation from a state of penury and wretchedness, to the possession of princely magnificence, honours and rank. July 26th.—This morning we had the satisfaction of presenting his Highness the Prince Azeem ul Dowlah in a formal manner to your Lordship, and of subsequently conducting him as the ostensible future Nabob of the Carnatic to the Ameer Baugh, the residence of his Highness' father, the late Ameer ul Omrah."

Lord Clive reports to Governor General.
Carnatic Papers, 1802, p. 70.

On the following day (27th July), Lord Clive addressed a Despatch to the Governor General, detailing what had taken place. This letter, recapitulating various circumstances, bore that the object which the Company had in view, and for which it deemed itself warranted in exercising an act of power, was the attainment of an adequate security for its rights and interests in the Carnatic. After mentioning the failure of the negotiation with Ally Houssain, and that the attainment of an adequate security through him had been rendered impracticable under his Lordship's last instructions, Lord Clive adds,—

Ibid. p. 72.

"But the spirit of your Lordship's provisional orders, under date the 26th of March 1800, is still applicable to the actual circumstances in which the affairs of the Carnatic have now been placed. Considerations independent of those connected with our external relations are suggested by the *state of our domestic affairs.* The rebellion in the Southern Provinces has assumed a more formidable aspect than could have been expected; and although the force assembled is, I trust, sufficient for the suppression of it, the movement of troops required for that purpose has unavoidably so reduced the appointed force of the provinces, as to render extremely *inconvenient any measure calculated to augment the number of disaffected persons.*"

After alluding to the propriety of conciliating the affections of the Mussulmen, Lord Clive goes on to say that,—

Ibid. p. 73.

"*Every consideration of our general policy of expediency with respect to our external relations, and of prudence with regard to our internal tranquillity requires,* in my judgment, that the

the actual establishment of our security, on the basis of right to exercise the entire civil and military government of the Carnatic, should be accompanied by the gracious and conciliatory measure *of establishing a branch of the house of Mahommed Ally* in a degree of rank and splendour suited to its long subsisting connexion with the Company, and consistent with the actual circumstances of the Carnatic."

Lord Clive then proceeds to mention that he had opened a negotiation with Azeem ul Dowlah, and that he had the honour of acquainting his Lordship that the negotiation had been brought to a successful determination; and he enclosed the draft of the treaty which Azeem ul Dowlah had bound himself to execute formally.

Might Company have declined to acknowledge any successor?

Here, perhaps, the inquiry may not unnaturally be made--If the Company had power to raise to the Musnud of the Carnatic Prince Azeem ul Dowlah, instead of the person who was considered and transacted with as the rightful heir, was there any reason why the Company should not have declined to raise any person whatever to the throne; for, if they had the power to select the person who was to succeed, had they not equally the power to deny the claim of every one, and so to assume into their own hands every right and title which the Nawaubs formerly held? And this observation may not, at first sight, seem to be so entirely destitute of reason, as it will immediately be shown to be, when it is considered what was the position in which Azeem ul Dowlah was found. His father, Ameer ul Omrah, the second son of Mahomed Ali, had been, as already stated, the favoured son of his father, whose wish was, that he should succeed him in the sovereignty. When he died does not appear; but at his death, Mahomed Ali had taken possession of his property, which was very large. What at that time was done with the boy is not anywhere stated; but it is not improbable that, upon his grandfather's death, Azeem was, if not thrown into confinement, at least kept under strict surveillance. At all events, at the death of Omdut, he was found in a hovel in great indigence, and in custody of the Nabob's guards. Whatever may have been the thoughts of other people, he had not himself apparently raised his eyes to the throne, and could in no sense have been considered to be a claimant to the vacant Musnud, for his subsequent elevation to which he uniformly afterwards expressed his deepest gratitude to the Company. Why, then, was he elevated?

The answer is obvious.

Reasons why they could not.

(1.) In the first place, it is by no means clear that the Company could have ventured at that time to carry out into execution, at least undisturbed, such an act of power *as depriving the country of its constitutional head.* This is partly shown by what is stated in the above Despatch; but what is there stated was merely a portion of the difficulties into which they would necessarily have been plunged by such an exercise of power. To have suppressed the Nabobship would at once have been to have aroused the hostility, not merely of all the Princes of the blood royal, but of the whole native population of the Carnatic; and the fires of revolt would, at the call of some chief, have burst out in every district of the province. Not only so; but it would at once have brought into the field some of the great native powers, such as the Mahrattas, who would naturally have foreseen in such an act a blow struck which was ultimately to reach themselves. The British Government would, therefore, have been immediately involved in an alarming, and, perhaps, fatal war, where they would necessarily have been deprived, from the nature of the case, of all native support.

(2.) But such a proceeding would have been a direct outrage upon those laws by which nations are regulated in their dealings with each other. Even admitting, to the fullest extent, that the correspondence with the Sultan of Mysore had indicated the most perverse hostility to the British power, the whole extent to which that could properly have gone, would only have been to have terminated the alliance; and certainly, in no point of view, would it, according to ordinary usages, have even terminated that alliance without a previous demand for explanations. But, in the circumstances as they stood, the English Company could not have been justified in venturing upon such a flagrant act as stamping out the kingly name and dignity of their ally without doing an act of outrage and iniquity which would have involved the British name in universal infamy; and it is clear enough, even from the papers in this case, that the Company were fully alive to the importance of maintaining their credit with the native powers, and even before the whole world.

(3.) But the abolition of the Nabobship was not in the least one of the objects for which the Company were desirous. In the whole course of their voluminous

correspondence, such an idea never escapes them. The object which they had in view was, as has been again and again stated, simply the attainment of a proper security for the interests which they had created for themselves in the Carnatic. To attain this end they had even stretched a point. But if they succeeded in obtaining the elevation of one willing to make concession of their demands, they insured, in the first place, the attainment of their object, with every appearance at least of lawful authority; and, in the next place they avoided the dangers which any act of usurpation or of violence would necessarily have occasioned. Hence it was that the Company resolved to lend its "assistance" to elevate Azeem ul Dowlah, who had declared himself willing to accede to their demands; and the very circumstance of the condition in which he was, and of his being no claimant to the throne, was all the stronger inducement, inasmuch, as by every feeling of gratitude, he would necessarily be tied all the more strongly to the Company.

What was done.

The case being thus relieved of the consideration of what *might* have been done, it is brought back to the consideration of what, in point of fact, *was* done. And reserving observations to an after stage, what followed, as appearing from the Despatches and other documents, will now be presented; from which it will be seen that the succession having been gently "sided" on to another branch of the family, Azeem ul Dowlah succeeded to the sovereignty of the Carnatic, and acquired the whole rank, title, and status which to the Nawaubs had previously belonged.

Azeem succeeds to the full Sovereignty of the Carnatic.

Installation.

The installation of Azeem ul Dowlah took place with the usual ceremonies on the 31st day of July 1801. Upon the same day the treaty was formally signed. It was in substance the same as the draft which had been transmitted by the Governor General to be adjusted with the late Nawaub, Omdut-ul-Omrah. The arrangement and expression of the articles were slightly altered; but the only material differences upon the treaty were what necessarily arose out of Azeem ul Dowlah's accession. In ordinary circumstances, it is not usual in a treaty between two powers to introduce acknowledgments or guarantees, by one of them, of the other's rank or succession. In the present case, however, the condition upon which the Prince had agreed to subscribe the treaty, necessitated a clause of guarantee by the Company, and some mention, consequently, of the circumstances in the preamble. The following is the treaty as so signed, the new clauses referred to being indicated by brackets:—

Treaty of 1801.

TREATY for settling the Succession to the Soubahdarry of the Territories of Arcot, and for *vesting the Administration* of the Civil and Military Government of the Carnatic Payen Ghaut in the United Company of Merchants trading to the East Indies.

Carnatic Papers, 1802, p. 33.

WHEREAS the several treaties which have been concluded between the United Company of Merchants of England trading to the East Indies, and their Highnesses, heretofore Nabobs of the Carnatic, have been intended to cement and identify the interests of the contracting parties; and whereas, in conformity to the spirit of the alliance, the said Company did, by the treaty concluded on the 12th of July 1792, with the late Nabob Walajah, relinquish extensive pecuniary advantages acquired by the previous treaty of 1787, with the view and on the condition of establishing a more adequate security for the interests of the British Government in the Carnatic; and whereas subsequent experience has proved that the intention of the contracting parties has not been fulfilled by the provisions of any of the treaties heretofore concluded between them; and whereas the musnud of the subahdarry of the territories of Arcot has now become vacant; and whereas the right of Prince Azeem ul Dowlah Behauder, *founded upon the hereditary right of his father the Nawaub Ameer ul Omrah Behauder, to succeed to the rank, property, and possessions of his ancestors, heretofore Nawaubs of the Carnatic, has been acknowledged* by the English East India Company; and whereas the said Company, and his said Highness the Prince Azeem ul Dowlah Behauder, have judged it expedient that a new treaty shall, at this time, be executed, for the purpose of *supplying the defects* of all former engagements, and of establishing the connexion between the said contracting parties on a permanent basis of security in all times to come; wherefore the following treaty is now established and concluded by the Right Honourable Edward Lord Clive, Governor in Council at Fort St. George, by and with the sanction and authority of his Excellency the Most Noble the Marquis Wellesley, K. P., Governor General in Council of all the British possessions in the East Indies, on behalf of the said United Company, on the one part; and by his Highness the Nabob Walajah Ameer ul Omrah Modaur ul Mulk Ameer ul Hind Azeem ul Dowlah Behauder Shokut Jung Sepah Salar, Nabob Subahdar of the Carnatic, on his own behalf, on the other part, for *settling the succession* to the subahdarry of the territories of Arcot, and for vesting the administration of the civil and military government of the Carnatic in the United Company of Merchants of England trading to the East Indies.

ARTICLE I.

ARTICLE I. *The right* of the Nabob Azeem ul Dowlah Behauder, *to succeed to the state and rank, and the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic,* is hereby *formally acknowledged and guaranteed* by the Honourable East India Company to his said Highness Azeem ul Dowlah Behauder, *who has accordingly succeeded to the subahdarry of the territories of Arcot.*

ARTICLE II. *Such parts of the treaties heretofore concluded* between the said East India Company and their Highnesses, heretofore Nabobs of the Carnatic, *as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are hereby renewed and confirmed,* and accordingly the friends or enemies of either are the friends and enemies of both parties.

ARTICLE III. The Honourable Company hereby charges itself with the maintenance and support of the military force necessary for the defence of the Carnatic, and for the protection of the rights, person, and property of the said Nabob Azeem ul Dowlah Behauder; *and with the view of reviving the fundamental principles of the alliance between his ancestors and the English nation,* the said Nabob Azeem ul Dowlah stipulates and agrees, that he will not enter upon any negotiation or correspondence with any European or native power, without the knowledge and consent of the said English Company.

ARTICLE IV. It is hereby stipulated and agreed, that the sole and exclusive administration of the civil and military governments of all the territories and dependencies of the Carnatic Payen Ghaut, together with the full and exclusive right to the revenues thereof (with the exception of such portion of the said revenues as shall be appropriated for the maintenance of the said Nabob and for the support of his dignity), shall be *for ever* vested in the said English Company; and the said Company shall accordingly possess the sole power and authority of constituting and appointing, without any interference on the part of the said Nabob, all officers for the collection of the revenues, and of establishing courts for the administration of civil and criminal judicature.

ARTICLE V. It is hereby stipulated and agreed, that one-fifth part of the net revenues of the Carnatic shall be annually allotted for the maintenance and support of the said Nabob and of his own immediate family, including the Mahal to his Highness the Ameer ul Omrah. The said fifth part shall be paid by the Company, in monthly instalments of 12,000 star pagodas; and whatever circumstance may occur, affecting the net revenues of the Carnatic, the said instalments shall not be less than 12,000 star pagodas. Whatever balance of the said fifth part may remain due at the expiration of each year shall be liquidated upon the settlement of the accounts, and the said fifth part shall be at the free disposal of the said Nabob, consistently with the principles of the said alliance.

ARTICLE VI. The fifth part of the revenues, as stated in the preceding article, shall be calculated and determined in the following manner, viz.: all charges, of every description, incurred in the collection of the revenues, the amount of the Jaghire lands, stated in the ninth article in the treaty of 1787 at star pagodas 2,13,421, and the sum of pagodas 6,21,105, appropriable to the liquidation of the debts of the late Mahomed Ally, shall, in the first instance, be deducted from the revenues of the Carnatic; and after the deduction of those three items shall have been made, one-fifth part of the remaining net revenue (including the Polygar Peshcush, which shall always be calculated at the sum of 2,64,704 star pagodas 20 fanams 26 cash, according to the treaty of 1792) shall be allotted for the maintenance of the said Nabob, and for the support of his Highness's dignity.

ARTICLE VII. Whereas it was stipulated by the fourth article of the treaty of 1792, that the sum of 6,21,105 star pagodas should annually be applied to the discharge of certain registered debts, due by the late Nabob Mahomed Ally to his private creditors, under agreements concluded between his Highness and the Honourable Company, and guaranteed by the Parliament of Great Britain, until the said registered debt should be liquidated, the Honourable English Company, accordingly, hereby charges itself with the annual payment of 6,21,105 pagodas from the revenues of the Carnatic, until the remainder of the said registered debt shall be liquidated.

ARTICLE VIII. Whereas certain debts are due to the said Company by the ancestors of the said Nabob; and whereas it is expedient, in order that the present treaty may include a complete arrangement of all affairs depending between the said Company and the said Nabob, that an adjustment should be made of the afore-mentioned debts, wherefore the said Nabob formally and explicitly acknowledges the debt, commonly called the Cavalry Loan, amounting, with its interest, to 13,24,342 star pagodas 6 fanams 47 cash, and also the portion of the registered debt heretofore paid by the said Company to the creditors of the late Nabob Walajah (according to the annexed schedule), to be just debts; and whereas, exclusively of the above-mentioned debts, other unadjusted debts also remain, which were referred to the adjustment and decision of the Governor General in Council of Bengal; and whereas the said unadjusted debts have not been determined according to that intention, the said Nabob hereby engages, that whenever the said determination shall be made, his Highness will acknowledge to be a just debt the amount of the balance which shall be so declared to be due to the said Company. It is not, however, the intention of this article to cause any diminution from the fifth part payable to the said Nabob; but, on the contrary, it is specified, that no deduction shall be made from the revenue, on any account whatever,

whatever, excepting the three items stated in the sixth article, previously to the determination of his Highness's proportion.

ARTICLE IX. The English Company engages to take into consideration the actual situation of the families of their Highnesses the late Nabobs Walajah and Omdut-ul-Omrah Behauder, as well as the situation of the principal officers of his late Highness's government; and the British Government shall charge itself with the expense (chargeable on the revenues of the Carnatic) of a suitable provision for their respective maintenance. The amount of the above-mentioned expenses, to be defrayed by the Company, shall be distributed, with the knowledge of the said Nabob, in such a manner as shall be judged proper.

ARTICLE X. *The said Nabob Azeem ul Dowlah Behauder shall, in all places, on all occasions, and at all times, be treated with the respect and attention due to his Highness's rank and situation, as an ally of the British Government;* and a suitable guard shall be appointed from the Company's troops for the protection of his said Highness's person and palace.

ARTICLE XI. The entire defence of the Carnatic against foreign enemies, and the maintenance of the internal tranquillity and police of the country, having been hereby transferred to the British Government, his said Highness engages not to entertain or employ in his service any armed men without the consent of the British Government, who will fix, in concert with his Highness, the number of armed men necessary to be retained for purposes of state. Such armed men as his Highness may, in consequence of this article, engage in his service, shall be paid to the exclusive cost and charge of the said Nabob.

ARTICLE XII. The Honourable East India Company shall, in conformity to the stipulations of this treaty, enter upon the exclusive administration of the civil and military government of the Carnatic, on the 31st day of July 1801; and his said Highness the Nabob shall issue orders to all his civil and military officers to transfer the district or districts under their respective charge to such persons as shall be appointed by the said Company to manage the said districts, and also to deliver to the persons appointed all records, accounts, and official papers, belonging to their respective cutcherries or offices.

This treaty, consisting of 12 articles, having been executed by Edward Lord Clive, Governor in Council aforesaid, on the one part, and his Highness Azeem ul Dowlah on the other part, is hereby mutually interchanged; the said Edward Lord Clive engaging that a copy of the said treaty shall be transmitted to Fort William, for the purpose of being ratified by his Excellency the Most Noble the Marquis Wellesley, Governor General in Council; and that as soon as the ratified treaty shall be received from Bengal, it shall be delivered to his said Highness, who will then return to his Lordship the copy which he now receives.

In the handwriting of Azeem ul Dowlah :—

(God is gracious.)

I, Azeem ul Dowlah, having perused and fully comprehended the several articles of the above treaty, have approved and consented to the whole of the said articles. In witness whereof I affix my proper signature.

The Beiz of Azeem ul Dowlah.

SEPARATE AND SECRET ARTICLE.

Whereas his Highness the Nabob Azeem ul Dowlah, by the 8th article of the treaty now concluded, has acknowledged the debt called the Cavalry Loan, due by his Highness' family to the said Company, amounting to pagodas ; and whereas no account has been yet taken of the public treasure of the late Government, it is stipulated and agreed, that his Highness the Nabob Azeem ul Dowlah shall immediately enter upon an investigation of the state of the public accounts and treasure; and that if, in communication with the British Government, the said treasure shall be found adequate to the purpose, a portion of it shall be immediately applied to the entire liquidation of the said debt called the Cavalry Loan, in ready money.

In the handwriting of Azeem ul Dowlah :—

(God is gracious.)

I approve and consent to this separate and secret article. In witness whereof I affix my proper signature.

The Beiz of Azeem ul Dowlah.

Of the same date the following proclamation was issued, which is extremely valuable as an exponent of the treaty:—

COPY of ORDERS published to the Settlement of Fort St. George, dated 31 July 1801, relative to the Treaty between the Company and *Azeem ul Dowlah.*

PROCLAMATION. Proclamation.

Revenue Department.

I. WHEREAS the object of the connexion subsisting between the Honourable Company and their Highnesses, heretofore Nabobs of the Carnatic, was intended to cement the union and alliance between the contracting parties, and to establish, on a solid foundation, the security and rights of the said contracting parties in the territories of the Carnatic; and whereas the several engagements concluded for that purpose *have failed to answer the intention of the contracting parties,* whereby the form of government throughout the provinces of the Carnatic has been subjected to changes injurious to established opinions, to general confidence, and to permanent prosperity; and *whereas the Musnud* of the subahdarry of the territories of Arcot *having become vacant,* his Highness the Nabob Walajah Ameer ul Omrah, Madar ul Mulk, Ameer ul Hind, Azeem ul Dowlah, Shewkul Jung Sepah, Salar Anweer ud Deen Khan Behauder, *has succeeded by the hereditary rights of his father, and by the full acknowledgment of the Honourable Company, to the possession of the said musnud:* wherefore his said Highness the Nabob Azeem ul Dowlah Behauder, and the said Company, being *desirous of correcting such errors* as have been heretofore introduced into the Government of the Carnatic, and of *supplying the defects of all former engagements* between the said contracting parties; and being also anxious to give full vigour and efficiency to the Government of the Carnatic, with a view to fix the rights of the people and the interests of the State on a broad and stable foundation, *have mutually, and of their own accord, agreed,* by a treaty, bearing date the 31st of July 1801, that all former provisions for securing a partial or temporary interference on the part of the Honourable Company in the government, or in the administration of the revenues of the Carnatic, shall be entirely annulled; and that, *in lieu thereof, a permanent system* for the collection of the revenue, and for the administration of civil and criminal judicature, under the sole and undivided authority of the Honourable Company, shall be established throughout every village, purgunnah, and province, of the entire territories of the Carnatic. Carnatic Papers, p. 89.

II. Now proclamation is hereby accordingly made to all zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of every description of the Carnatic, that the Honourable Company have, by the treaty above mentioned, acquired a perfect right to ascertain, determine, and establish rights of property, to fix a reasonable assessment upon the several purgunnahs and villages of the Carnatic, and to secure a fixed and permanent revenue, to be collected and accounted for by such officers as shall from time to time be appointed for that purpose by the said Company. And it is further published and declared, that the said Company have also acquired a perfect right to establish courts for the due administration of civil and criminal judicature, under the sole authority of the said Company, which said courts shall be conducted by officers to be appointed from time to time by the said Company, under such ordinances and regulations as shall from time to time be enacted and published by the Governor in Council of Fort St. George.

III. And whereas his said Highness the Nabob Azeem ul Dowlah Behauder has divested himself, by the treaty above mentioned, of all control, authority, or interference in the collection of the revenue, or in the administration of civil and criminal judicature: wherefore all zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of the Carnatic, are hereby required to take notice of the same accordingly. And it is hereby further proclaimed and declared, that the engagement now entered into between the contracting parties for the purposes above mentioned, are unconditional, and *liable to no change whatever.* Therefore, the said zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of the Carnatic, are required to take notice, that the right and power of fixing and collecting the revenue, as well as of administering civil and criminal judicature throughout the provinces, purgunnahs, and villages of the Carnatic, are vested in the said Company alone, *as long as the sun and moon shall endure.*

IV. Wherefore all zemindars, jaghiredars, talookdars, polygars, cavilgars, officers, and inhabitants of the Carnatic, are severally and collectively required *by virtue of the rights and powers acquired to the said Company by compact with the present lawful Nabob of the Carnatic,* his Highness the Nabob Azeem ul Dowlah Behauder, to yield due obedience to such officers as may be appointed, and to such ordinances or laws as may be enacted by the said Company alone, for the administration and government of the territories of the Carnatic, and in all time to come.

V. Although the Right Honourable the Governor in Council trusts that the experience which the inhabitants of the Carnatic have already had, will have rendered it unnecessary for his Lordship to explain the general principles of moderation, justice, protection, and security, which form the characteristic features of the British Government; yet his Lordship, in accepting the sacred trust transferred to the Company by the present engagements, invites the people of the Carnatic to a ready and cheerful obedience to the authority of the

Company, in a confident assurance of enjoying, under the protection of public and defined laws, every just and ascertained civil right, with a free exercise of the religious institutions and domestic usages of their ancestors.

By order of the Right Honourable
the Governor in Council.

(signed) *J. Webbe,*
Chief Secretary to Government.

Fort St. George, 31 July 1801.

A declaration of what had taken place was also of the same date, subscribed and transmitted to the Governor of Bombay, the Governor of Ceylon, and to the Residents at Poonah and Hydrabad. The following is the letter which was addressed on that occasion to the last mentioned:—

Carnatic Papers, 1802, vol. i., p. 67.

To Captain *J. A. Kirkpatrick*, Resident at Hydrabad.

Sir,

I AM directed by the Right Honourable the Governor in Council to inform you that his Highness the Nabob Omdut-ul-Omrah, Nabob Soubahdar of the Carnatic, died on the 15th ultimo, at this place.

Previously to that event, it was the intention of his Lordship in Council, founded on the instructions of the Governor General in Council, *to have demanded from his Highness a more adequate security for the British interests in the Carnatic, rendered necessary* by the discovery of a flagrant violation of the ties of amity and alliance on the part of their late Highnesses the Nabob Mahomed Ally and the Nabob Omdut-ul-Omrah. This intention was suspended at the time it became expedient for the Governor in Council to make the demand, by the continued state of debility of the Nabob Omdut-ul-Omrah, and at length frustrated by his Highness' demise.

This demand for satisfaction and security having been peremptorily refused by Tadj-ul-Omrah, the reputed son *and heir appointed by the will of the Nabob Omdut-ul-Omrah*, the Governor in Council has been compelled to exercise the rights acquired by the British Government, under the discovery of his Highness' faithless conduct, for the purpose of guarding the rights of the Company against the hostile councils which appear to have been transmitted, with testamentary care, to the appointed successor of that Prince.

In proceeding to exercise these rights, the Governor in Council would have felt great concern at the necessity of publishing all the humiliatory proofs of the faithless and hostile conduct of these ancient allies; and although his Lordship in Council has been compelled by the persistence of the Nabob Omdut-ul-Omrah's reputed son, in the spirit of his father's councils, to reject his claims *to the support* of the British Government, founded on the intended obligations of the Treaty of 1792, of which the vital spirit and express stipulations have been annihilated, I have much satisfaction in acquainting you, by command of the Governor in Council, that his Lordship has been enabled, *by a treaty concluded on the 31st ultimo, to receive the alliance between the Company and this illustrious family*, and to establish the British rights and interests of the Carnatic on the solid foundation of territorial security.

The course of these events is particularly described in a declaration of which I have the honour of transmitting a copy for your information, and am directed to refer you to that paper for the grounds of the measure adopted by this Government, in the event of any explanation on this subject being required from you by the Court of Hydrabad.

I have the honour of adding, that his Highness the Nabob Wallajah Amur ul Omrah, Madar ul Mulk, Ameer ul Hind, Azeem ul Dowlah, Showkeet Jung, Separ Salah, Anweer o deen Khan Bahadar, was installed on the 31st ult., as Nabob Soubahdar of the Carnatic, on the musnud of his ancestors, with every practical degree of splendour and of public respect from the British Government.

I have, &c.
(signed) *J. Webbe,*
Chief Secretary of Government.

Fort St. George, 31 July 1801.

Declaration.

The declaration referred to the long and intimate alliance which had subsisted, the treaties which had been contracted, the correspondence which had been discovered, the deductions which were drawn from it, winding up with—

1802. Papers, p. 41.

"The Nabob Mahomed Ally and the Nabob Omdut-ul-Omrah have violated the said stipulations, and have thereby *forfeited all the benefits of the said alliance*; and the Nabob Mahomed Ally and the Nabob Omdut-ul-Omrah having violated the said stipulations for the express purpose of establishing an union of interests with Tippoo Sultaun, thereby placed themselves in the condition of *public enemies* to the British Government in India."

The declaration then proceeds, in the course of reasoning which had been resolved upon, and expresses that, in proceeding to exercise the rights imagined to arise, "it was painful to the British Government to be compelled to expose to the world all these humiliating proofs of the ingratitude and treachery of the Nabobs;" but that the British Government was desirous of consulting its own dignity, and had intended to have made formal communication

nication to the late Nabob of the proofs of his breach of the alliance, "with the view of obtaining a satisfactory *security for the rights pledged* to the Company in the Carnatic."

It then proceeds to argue that the reputed son of Omdut-ul-Omrah had "succeeded to the condition of his father," which condition was that of a public enemy; but that, in pursuance of the principles by which the British Government had been actuated, it had been within his power "to form, by means of an amicable adjustment, *that satisfaction and security* which the hostile and faithless conduct of his supposed father had entitled the British Government to demand, and which the dictates of prudence and self-defence compelled him to require. Then mentioning that he had opposed a determined resistance to this demand, it concludes:—

Frustrated in the hope of obtaining from the reputed son of the Nabob, Omdut-ul-Omrah, reparation for its injuries and security for its rights, the British Government is now reluctantly compelled to publish to the world the proofs of this flagrant violation of the most sacred ties of amity and alliance by the Nabobs Mahomed Ally and Omdut-ul-Omrah, and the hereditary spirit of enmity manifested by the reputed son of Omdut-ul-Omrah to the interests of the British Government. The duty and necessity of self-defence require the British Government, under the circumstances of this case, to *exercise its power in the attainment of an adequate security for its rights*; justice and moderation warrant that the family of Omdut-ul-Omrah *shall be deprived of the means of completing its systematic course of hostility*; wisdom and prudence demand, that the *reputed son* of Omdut-ul-Omrah shall not be permitted to retain possession of *resources dangerous to the tranquillity* of the British Government in the Peninsula of India.

Wherefore the British Government, *still adhering to the principles of moderation, and actuated by its uniform desire of obtaining security for its rights and interests in the Carnatic, by an arrangement founded on the principles of the long subsisting alliance between the Company and the family of the Nabob Mahomed Ally*, judged it expedient to enter into a *negotiation for that purpose with the Prince Azeem ul Dowlah Behauder*, the son and heir of Azeem ul Omrah, who was the second son of the Nabob Mahomed Ally, and the immediate great-grandson, by both his parents, of the Nabob Anwer ud Deen Khan, of blessed memory. And his Highness the Prince Azeem ul Dowlah Behauder having entered into engagements for the express purpose of *reviving the alliance between the Company* and his illustrious ancestors, and of establishing an *adequate security for the British interests in the Carnatic*, the British Government has now resolved to exercise its rights and its power, under Providence, *in supporting and establishing the hereditary pretensions of the Prince* Azeem ul Dowlah Behauder in the *Soubahdarry of the territories of Arcot, and of the Carnatic Payen Ghaut.*

Mr. Kirkpatrick's answer was dated 21st August.

Joseph Webbe, Esq., Chief Secretary of Government, Fort St George. 1803. Papers. p. 68.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 31st ultimo, apprising me of the decease, on the 15th of that month, of his Highness the Nawaub Omdut-ool-Omrah, and of the succession of his Highness Ameer ool Omrah, Azim ool Dowlah, &c. &c. &c., to the vacant musnud.

The news of the death of the late Soobahdaur of the Carnatic excited, as might be expected, a certain degree of curiosity at this court, as to *the line of succession* that might eventually be adopted by the Company's government; the inquiries respecting which, the copious details given in the interesting document enclosed in your letter, enable me to answer in the most satisfactory manner.

No explanation on this delicate and important subject has, or in all probability will be, directly required from me by this Government, while it nevertheless will thankfully receive whatever communications I may think proper to make on this occasion.

The most easy and natural mode of introducing the subject will, I conceive, present itself, whenever letters usual on such occasions, from the successor, to the Arcot Musnud to his Highness the Nizam, shall be received here and delivered—a form which I conclude will, of course, not be overlooked.

I have, &c.
(signed) *J. A. Kirkpatrick*,
Resident.

Hyderabad, 21 August 1801.

On 3d August, the Governor in Council of Fort St. George addressed a Despatch to the Secret Committee, detailing the circumstances. After mentioning Ally Houssain's refusal to accede to the demands, it thus proceeds:— Despatch to Directors.

11. In consequence of the resistance unexpectedly opposed by Ally Hussain to this reasonable demand, it remained for Lord Clive to apply the instructions and authority conveyed to his Lordship by the Governor General to the actual state of circumstances. In proceeding to exercise the rights of the British Government, which the conduct of Ally Hussain had compelled his Lordship to assert, Lord Clive still judged it to be consistent with the sentiments of national magnanimity and generosity that the British Government should refrain from the exercise of the Company's power, and from the absolute humiliation Asiatic Register 1802, vol. iv., p. 159.

humiliation of the family of Mahommed Ally, if an adequate security could be obtained through the channel of an amicable adjustment. Under the impression of these sentiments, Lord Clive directed his attention to the claims and to the situation of the Prince Azeem ul Dowlah Behauder. This Prince *is the only son by a formal marriage* of the late *Ameer ul Omrah*, who was the second son of the late Nabob Mahommed Ally, and is the immediate great-grandson, by both his parents, of the Nabob Ameer ud Deen Khan, the founder of the family. *The rights of Omdut ul Omrah, founded on the Treaty of* 1792, *having been vitiated by that Prince's violation of the alliance, and of the stipulations of that instrument, the hereditary claims of the house of Mahommed Ally descended to the second branch of the family, represented by the Prince Azeem ul Dowlah*, the son of Ameer ul Omrah, who was the second son of the Nabob Mahommed Ally.

The Despatch then proceeds to mention that the deputies opened a "communication with that Prince, for the purpose of *reviving the alliance* between his ancestors and the Company, and of establishing the rights and interests of the British Government in the Carnatic on a permanent basis of security;" that the Prince had expressed "his willingness to afford, in the event of his elevation to the musnud of his ancestors, *the security* demanded by the authority of the Governor General," and a written engagement had been framed and executed.

"In conformity to this arrangement, we have *acknowledged Azeem ul Dowlah to be Nabob of the Carnatic*;" and it is added, "The mode of providing for the support of the dignity of his Highness the Nabob Azeem ul Dowlah is conformable to the principles on which the alliance between his *Highness's family* and the Company has been *revived and established*. By these means the interests of his Highness will become united with those of the Company, in the general prosperity of the Carnatic; and while the actual security of the British interests, provided by the present arrangement, remains undiminished, the mode of supplying a fund for the expenses of the *family*, in the manner suitable to its rank, and to the dignity of the British Government, by the allotment of a proportion of the public revenues for that purpose, is entirely relieved from the degrading name and appearance of a stipendiary maintenance."

Alteration in expression of treaty.

The treaty was communicated to the Governor General on the day of its execution; and on 15th September a letter from the Governor General in Council, dated 18th August, was recorded at the Secret Consultations of Fort St. George. This letter is of importance, as it contains a complete answer to the very erroneous conclusion which the Directors, in ignorance of the facts, have drawn from an alteration upon some of the expressions in the treaty to which this Despatch led. The Governor General had probably supposed that the expression in the treaty, of Azeem ul Dowlah having succeeded in virtue of hereditary right—in other words, *as next heir*—might perhaps lead to some little embarrassment in respect it was not strictly true, Houssain Ally being more truly the next heir. But whatever was the reason, it will be seen that the Governor General attached so little importance to the substitution he suggested (and if it had been of importance matters were not now entire to admit of easily making correction), that he subscribed a ratification of the original treaty, and only desired the alterations to be made if they could easily be got. The Nabob attached equally little importance to the matter, and it will be seen at once cheerfully agreed to the alteration.

1803. Papers, vol. i., p. 70.

To the Right Honourable Lord *Clive*, Governor in Council of Fort St. George.

My Lord,

Para. 1. THE Governor General in Council has had the honour to receive the Despatch of your Lordship in Council, under date the 31st ultimo, together with the treaty concluded with his Highness the Nabob Azeem-oo-Dowlah, for the perpetual transfer of the administration of the civil and military government of the Carnatic to the Honourable Company.

2. His Excellency the Most Noble the Governor General has communicated to us the correspondence which has passed between him and your Lordship, and the several documents connected with the rise, progress, and termination of this important transaction.

3. The Governor General in Council has the greatest satisfaction in expressing to your Lordship in Council his sincere approbation of the judgment, temper, and discretion which have distinguished your Lordship's conduct during the progress of the various events which have terminated in an arrangement so highly advantageous to the interests of the Honourable Company.

4. The reputed son of his Highness the Nabob Omdut-ool-Omra, having met your Lordship's just and moderate propositions for the security of the British interests in the Carnatic

Carnatic by a deliberate refusal to enter into the engagements absolutely necessary to that indispensable object, the general spirit of the instructions conveyed to your Lordship at different times, under the changes which have taken place in the situation of affairs, entirely warranted your Lordship to offer to the son of the late Ameer-ool-Omrah the *same terms* which had been proposed to the reputed son of Omdut-ool-Omrah.

5. His Excellency in Council is of opinion, that the immediate assumption by the Company of the entire administration of the Carnatic, in consequence of Ally Hussain's refusal to accede to the proposed treaty (although justifiable in every point of view), was not necessary, under all the circumstances of the case, to secure the just rights of the Company in the Carnatic; and the establishment of the acknowledged heir of the Ameer-ool-Omrah in the rank of Nabob of the Carnatic, was therefore a measure of moderation and wisdom.

6. The reasoning stated by the Right Honourable the Governor, in his official Despatch to the Governor General, of the 27th ultimo, is so full and conclusive, that it appears to us unnecessary to add any further observation.

7. Under these circumstances, his Excellency in Council has the satisfaction to declare his entire approbation of the general spirit and stipulations of the treaty concluded with the Nabob Azeem-oo-Dowlah. The observations which his Excellency in Council now proceeds to state with regard to the treaty, and the eventual modifications of the treaty which it is now his intention to propose, constitute no qualification of the approbation due to the ability and prudence manifested by your Lordship in Council, in concluding this important arrangement; *the adoption or rejection of the modifications which will be proposed in this letter*, is intended to be subjected, without further reference, to the discretion of your Lordship in Council.

8. With this view, his Excellency in Council has, in the first instance, ratified the treaty transmitted by the Governor of Fort St. George; but at the same time has executed *another treaty*, framed in conformity to the modifications herein stated. This instrument, having been signed and sealed by his Excellency in Council, is transmitted, together with that received from your Lordship in Council, in order that it may be eventually substituted for the treaty which has been executed at Fort St. George, *unless your Lordship in Council should object to the proposed alterations.*

9. We now proceed to state to your Lordship the principles upon which those alterations are founded, and the instructions by which the adoption or rejection of the modified treaty is to be regulated.

10. Your Lordship is fully aware (and it is distinctly stated in the declaration accompanying your Lordship's Despatch herein acknowledged) that the result of the discovery which has been made of their late Highnesses the Nabobs Walajah and Omdut-ool-Omrah's treacherous correspondence with the late Tippoo Sultaun, had placed the Soobudar of the Carnatic in the situation of a *public enemy* to the British Government, had annihilated the existing treaties between the Nabob of the Carnatic and the Company, and had sanctioned the enforcement of such measures as the British Government might deem necessary for the security of its rights and interests as connected with the soobadary of Arcot.

11. This is the fundamental principle upon which the late arrangements have been founded, and consequently the acknowledgment of an inherent right in any member of the family of the late Nabobs Walajah and Omdut-ool-Omrah to succeed to the soobadarry of the Carnatic, is incompatible with the maintenance of that principle.

12. His Excellency in Council is aware that it is conformable both to reason and practice to recognise, by treaty with a foreign State, the existence of rights originally conveyed by the same treaty of recognition; but in such cases, if the source from which those rights are derived be not distinctly expressed, the origin of such rights should not be ascribed to any unacknowledged principle. This observation appears to apply to the preamble of the treaty executed by your Lordship in Council, and to the first article of it; by both of which the right of the Nabob Azeem-oo-Dowlah to succeed to the soobadarry of the Carnatic, seems to be attributed to a supposed claim of inheritance, and not to the liberality and moderation of the British Government.

13. *This acknowledgment, however objectionable on the stated grounds, neither affects the justice nor the principal advantages of the stipulations of the treaty in question.* His Excellency in Council, therefore, does *not consider the objection to be of sufficient force to preclude the ratification of the treaty in its actual form, nor does he deem the proposed alterations to be of such importance as that they should be proposed to his Highness* the Nabob Azeem-oo-Dowlah, *at the hazard of forfeiting any of the advantages* already acquired, or even of exciting any degree of *alarm or jealousy* in the mind of his Highness Azeem-oo-Dowlah.

14. His Excellency in Council, however, deeming it advisable that the terms of the treaty should be strictly consistent with the fundamental principle of the arrangement, in conformity to the foregoing observations, has introduced into the modified treaty a change of the terms of the preamble, and of the first article, as executed by your Lordship in

Council; and his Excellency in Council directs, that should your Lordship be of opinion that the modified treaty may be proposed to his Highness's acceptance, *without the hazard of his dissent or displeasure*, or without compromising the dignity or the public faith of Government (which your Lordship in Council may possibly have deemed it expedient to pledge to his Highness for the acknowledgment of *his hereditary title*), your Lordship will propose the modified treaty to his acceptance; but should your Lordship in Council consider it to be unadvisable to make this proposition to his Highness, either on any of the grounds herein specified or on others, of which his Excellency in Council is not at present apprised, your Lordship is at liberty to return the modified treaty to Fort William, *and to consider the former as conclusive and binding.*

15. We now proceed to state our observations on the 5th, 6th, and 7th Articles of the treaty transmitted by your Lordship in Council, which, in some points, appear to his Excellency in Council to require further explanation.

16. With regard to the amount of the jagheers, to which the 8th Article of your Lordship's treaty refers, as an article of deduction from the amount of revenue upon which hisHighness, the Nabob's share of one-fifth is to be calculated, his Excellency in Council is of opinion that the lands included in the jaggeers should be resumed, and declared subject to the payment of revenue to Government; and that payments in money, equal to the produce of these jagheers (to be estimated at the sum of 2,13,421 pagodas, the amount stated in the Treaty of 1792), should be made from the treasury of the Company to the persons now holding the jagheers, as long as Government shall deem it to be proper to continue to those persons the benefit of their respective grants: his Excellency in Council accordingly desires that your Lordship in Council will frame an explanatory article, in conformity to the instructions contained in this paragraph.

17. His Excellency in Council is further of opinion, that, although the just inference from the terms of the 6th Article would be, that the sum of 6,21,105 pagodas is to form a permanent deduction from the total amount of the revenue upon which the Nabob's share is to be calculated, yet it might be contended to be the intent of this article, that, after the complete liquidation of the debts, for the discharge of which that annual sum is pledged, it should form a portion of the total sum on which the Nabob's share is to be calculated. Under this apprehension, his Excellency in Council desires that an explanatory article be added to the treaty, for the purpose of precluding the possible operation of any reversionary rights of the Nabob to show any part of this sum, after it shall have been liberated from the incumbrances by which it is now affected.

18. His Excellency in Council further remarks, that, under the actual terms of the treaty, a question may arise, whether his Highness the Nabob will be entitled to a proportionate share of any new branches of the revenue which may be introduced into the Carnatic, under the management of the British administration; and whether the same principle is to be applied to any augmentation of the existing sources of revenue in the territories of the Carnatic? His Excellency in Council, anticipating the improvements which will probably be made in the resources of the Carnatic, under the beneficial influence of the British power, is of opinion that the income which the Nabob would derive from the unlimited application of the principle supposed, would hereafter amount to a larger sum than it would be expedient to allow his Highness to receive, consistently with the dictates of policy, and with considerations inseparable from the future security of the Company's interests in the Carnatic. His Excellency in Council, therefore, deems it an object of importance to guard against the operation of this principle. His Highness, being secured in the receipt of a certain income, under every possible contingency, it is reasonable that the utmost extent of that income should likewise be limited.

19. His Excellency in Council highly approves the consideration which has been manifested for the prejudices and condition of his Highness as the acknowledged Soobadar of Arcot, in apportioning his income on the revenues of the Carnatic, rather than by granting it in the form of a pension; the proposed restriction, therefore, should be made in a manner the less unacceptable to the feelings and injurious to the rank of the Nabob. With this view his Excellency proposes, that, in restricting the extreme amount of his Highness's income, it should be expressly declared that the surplus of revenue beyond the amount which shall yield to his Highness the full extent of his limited income, is to be appropriated to the purpose of establishing a fund for the contingency of war, or for any other public purpose which it may be thought expedient to specify.

20. His Excellency in Council accordingly directs, that an explanatory article be framed in terms conformable to the foregoing observations, limiting the extent of his Highness the Nabob's income to such a sum as may appear proper to your Lordship in Council.

21. Whether your Lordship in Council shall adopt the modified treaty herewith transmitted, or shall adhere to the treaty executed at Fort St. George, the Governor General in Council is of opinion that the proposed explanations of the 5th, 6th, and 7th Articles will be equally necessary.

22. His Excellency in Council, however, deems it expedient to state that he shall be ready to receive, with due consideration, whatever remarks your Lordship in Council may think fit to make, affecting either the expediency or the necessity of the proposed

posed additional articles; and accordingly authorises your Lordship in Council to suspend the execution of these instructions, as far as they relate to those articles, should your Lordship be desirous of referring the subject to the further revision of the Governor General in Council.

23. His Excellency in Council entirely approves the alterations which have been made in the declarations transmitted by his Excellency to Fort St. George.

24. The Governor General in Council likewise approves the transmission of copies of the declaration to the Governor of Bombay, and to the Residents at Poonah and Hyderabad. Under the circumstances of the late arrangement, it is unnecessary to adopt any farther measures for the purpose of publishing that declaration. His Excellency will accordingly intimate this opinion to the Governor and Council of Bombay, and to the Residents at Poonah and Hyderabad.

25. His Excellency deems it an act of justice to record his public thanks to your Lordship in Council, for the zeal, ability, and discretion, which have so eminently distinguished your conduct in the progress and termination of this important transaction.

We have, &c.
(signed) *Wellesley,*
P. Speke,
Thos. Graham.

On board of the "Sonamookee" yacht, off Barrackpore, 18 August 1801.

To the Honourable *Peter Speke,* Vice President in Council at Fort William. Vol. i., p. 78. 22 Sept. 1801.

Honourable Sir,

1. We have the honour to acknowledge the receipt of the Despatch, dated the 18th ultimo, from his Excellency the Most Noble the Governor General in Council, conveying to us his Excellency's approbation of the general spirit and stipulations of the treaty recently concluded by us with the Nabob Azeem-ul-Dowlah, together with the modifications which his Excellency in Council judges to be necessary to the completion of that instrument.

2. Lord Clive has the honour of expressing to his Excellency the Governor General his Lordship's sincere acknowledgment of the peculiar delicacy observed by his Excellency in proposing these modifications, and of the confidence which the Governor General in Council has reposed in this Government, by confiding to the exercise of this discretion the eventual adoption of the improvements considered by his Excellency to be requisite to the final arrangement of the affairs of the Carnatic.

3. In the mode adopted by the Governor General for conveying his Excellency's observations and instructions on this subject of the treaty, Lord Clive has the satisfaction of observing the most flattering testimony of the success which has attended his Lordship's anxious and confident endeavour to cultivate the confidence of the Supreme Government by a zealous and cordial co-operation in the system of measures adopted by the Governor General with respect to this Presidency; and Lord Clive takes this opportunity to assure his Excellency of the unfeigned satisfaction which he has felt on this occasion, and which he will feel on all occasions, in carrying into execution those arrangements which his Excellency may judge most conducive to the honour and prosperity of the empire in India.

4. Lord Clive has the honour of explaining to the Governor General, that, in framing the late treaty, his Lordship was aware that the fundamental principle of the arrangement was the *right acquired* by the British Government to exercise its discretion in the enforcement of such measures as might be deemed *necessary for the security of its rights and interests* as connected with the soubahdarry of Arcot. It was not, therefore, the intention of Lord Clive, by acknowledging the right of Azeem-ul-Dowlah, to depart from the fundamental principle now stated; but it was his Lordship's desire, according to the practice of recognised rights by treaty not existing antecedently to the treaty of recognition, to insert in the present treaty such an acknowledgment, on the part of the British Government, as might give the *greatest practicable degree of force* to the rights which it was about to bestow on the Nabob Azeem-ul-Dowlah.

5. Lord Clive is, however, happy to inform the Governor General that this acknowledgment was entirely voluntary on the part of his Lordship, and that the faith of the British Government has in no degree been pledged to recognise any *inherent right* in the Nabob Azeem-ul-Dowlah throughout the late negotiations. His Highness stated his conviction that the rights of his Highness's family, *founded on its connection* with the Company, had been annihilated by the violation of the alliance, and that he considered the causes of his own elevation to have flowed from the generosity and moderation of the British Government. Lord Clive felt himself, therefore, relieved from the supposed difficulties stated in the Governor General's Despatch, in proposing to the Nabob Azeem-ul-Dowlah the modification recommended by his Excellency with respect to the preamble, and to the first article of the treaty of Fort St. George.

6. In conformity to the principles repeatedly declared by his Highness, the Nabob Azeem-ul-Dowlah *received this proposition with the utmost degree of cheerfulness*, and relinquished all claims to the acknowledgment of his hereditary pretensions, without expressing any diffidence or alarm with respect to the intention of the proposed modification.

7. We have, therefore, the honour to inform you that the treaty framed by the Governor General, according to the explanation contained in the Despatch of the 18th ultimo from his Excellency in Council, has been executed by us; and the copy of that instrument, ratified by the Governor General in Council, has been delivered to his Highness the Nabob Azeem-ul-Dowlah, from whom we have received a correspondent copy of the treaty, &c. &c.

We have, &c.
(signed) *Clive.*
J. Stuart.
Wm. Petrie.
Fort St. George, 22 September 1801. *E. W. Fallowfield.*

It is evident from this letter that Lord Clive did not communicate to the Nabob that the alteration would in any way affect his rights or status. If, therefore, he had supposed that, by obtaining the alteration it was, as the Directors say, to affect the rights of the Nabob's descendants, he would justly, though most uselessly, have exposed himself to ignominy. "If the security of him who stipulates for anything in his own favour prompts him to require precision, fulness, and the greatest clearness in the expressions, good faith demands, on the other hand, that each party should express his promises clearly, and without the least ambiguity. *The faith of treaties is basely prostituted by studying to couch them in vague or equivocal terms, to introduce ambiguous expressions, to reserve subjects of dispute, to overreach those with whom we treat, and outdo them in cunning and duplicity.* Let the man who excels in these arts boast of his happy talents, and esteem himself a keen negotiator; but reason and the sacred law of nature will class him as far beneath a vulgar cheat as the majesty of kings is exalted above private persons. True diplomatic skill consists in guarding against imposition, not in practising it." Fortunately for Lord Clive's reputation, neither in the Governor General's letter to Lord Clive, nor in his Lordship's letter to the Vice-President, is there the remotest allusion to such an effect as the Company now point at. On the contrary, the very alteration itself contained a distinct acknowledgment that the connection between the parties was intended to endure "*in all times to come.*"

Vattel, ii. 15, § 231.

The Governor General's apprehensions were not without foundation. The act by which the transfer of the sovereignty of the Carnatic from Houssain Ally to Azeem-ul-Dowlah was effected was viewed by many people as a breach of British faith. The matter was repeatedly brought up before Parliament, and in 1808 was very fully and hotly discussed. Had it not been that Houssain Ally did not long survive the loss of the dignity, and that the motion came thus to be viewed as more a vote of censure on Lord Wellesley than a question of practical import, it is difficult to say what might have been the issue. This is clear, that in the whole course of the discussion which took place, Azeem-ul-Dowlah was never spoken of as a life tenant.

The alterations upon the treaty thus agreed to were as follows:—

In the treaty, as originally signed, the preamble and first article ran thus:—"And whereas the musnud of the subahdarry of the territories of Arcot has now become vacant; and whereas the right of Prince Azeem-ul-Dowlah Behauder *founded upon the hereditary right of his father*, the Nawaub *Ameer-ul-Omrah*, Behauder, to succeed to the rank, property, and possessions of his ancestors, heretofore Nawaubs of the Carnatic, has been acknowledged by the English East India Company; and whereas the said Company, and his Highness the Prince Azeem-ul-Dowlah, Behauder, have judged it expedient that a new treaty shall at this time be executed for the purpose of supplying the defects of all former engagements, and of establishing the connection between the said contracting parties on a permanent basis of security in all times to come."

"Art. 1. The right of the Nabob Azeem-ul-Dowlah, Behauder, to succeed to the state and rank, and the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic, is hereby formally acknowledged and guaranteed by the Honourable East India Company, to his Highness Azeem-ul-Dowlah, Behauder, who has accordingly succeeded to the Soubahdarry of the territories of Arcot."

The

The *alteration* is as follows:—

"And whereas the musnud of the soubahdarry of Arcot having become vacant, the Prince Azeem-ul-Dowlah, Behauder, has now been established by the English East India Company in the rank, property, and possessions of his ancestors, heretofore Nabobs of the Carnatic; and whereas the said Company and his Highness the said Prince Azeem-ul-Dowlah, Behauder, have judged it expedient that additional provisions should at this time be made for the purpose of supplying the defects of all former engagements, and of establishing the connection between the said contracting parties on a permanent basis of security *in all times to come*;"

"Art. 1. The Nabob Azeem-ul-Dowlah, Behauder, is hereby formally established in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic, and the possession thereof is hereby guaranteed by the Honourable East India Company to his said Highness Azeem-ul-Dowlah, Behauder, who has accordingly succeeded to the soubahdarry of the territories of Arcot."

It does not appear whether the Nabob subscribed the following explanatory articles:—

SEPARATE EXPLANATORY ARTICLES.

Separate Explanatory Articles annexed to the Treaty for settling the Succession to the Soubahdarry of the Territories of Arcot, and for vesting the Administration of the Civil and Military Government of the Carnatic Payen Ghaut in the United Company of Merchants of England trading to the East Indies.

Art. 1. Whereas it is stipulated by the fifth article of the treaty that the sum to be appropriated to the support of the dignity of his Highness the Nabob Azeem-ul-Dowlah, Behauder, shall be calculated at one-fifth part of the net revenues of the Carnatic; and whereas the improvement of the said revenues, which, under Providence, may be expected to arise from the effects of the present arrangement, may render the said fifth part greater than will be necessary to the purposes intended by the contracting parties; it is hereby explained, for the better understanding of the fifth article of the treaty, that whenever the whole net revenue of the Carnatic, including the sums to be deducted, according to the sixth article of the treaty, shall exceed the sum of twenty-five lacs of star pagodas, then and in that case the fifth part of such surplus shall be applied to the repair of fortifications, to the establishment of a separate fund for the eventual exigencies of war, or to the military defence of the Carnatic, in such manner as may be determined by the Governor in Council of Fort St. George, after the previous communication to his Highness the Nabob Azeem-ul-Dowlah.

Art. 2. Whereas it is stipulated in the sixth article of the treaty, that the sum of 2,13,421 pagodas, on account of jagheer, and the sum of 6,21,105 pagodas on account of the private debts of the Nabob Mahomed Ally, shall be deducted from the amount of the net revenue, previously to the determination of the proportion to be paid to his Highness the Nabob, it is nevertheless hereby explained that it shall not be incumbent on the Honourable Company to appropriate lands yielding a revenue to the said amount of 2,13,421 pagodas, but that the said Company shall be at liberty to exercise its discretion in the mode and on the extent of the provision to be made, according to the ninth article of the treaty, for the support of the family and principal officers of the Nabob Mahomed Ally, and of the Nabob Omdut-ul-Omrah. And it is further explained, that notwithstanding the liquidation of the private debt of the Nabob Mahomed Ally, or of the debt due to the Honourable Company, the said sum of 6,21,105 pagodas shall always be deducted from the net revenue, and shall in no case be included in the net revenue, previously to the determination of the share to be allotted to his Highness the Nabob Azeem-ul-Dowlah, Behauder, it being the intention of the contracting parties that the said sum of 2,13,421 pagodas, and the said sum of 6,21,105 pagodas, shall be considered to be permanent deductions, *in all times to come*, from the revenue of the Carnatic.

(signed) *Clive.*
J. Stuart.
W. Petrie.
E. W. Fallofield.

By the Right Honourable
The Governor General in Council.

(signed) *J. Webbe,*
Chief Secretary to Government.

The accession of Azeem-ul-Dowlah was communicated by him to the King of Great Britain, to the Emperor Shah Allum, and the Nizam, and others. The following letters appear among the papers returned to Parliament in 1803:— The Nabob's letters to the Sovereign powers intimating accession.

To the Honourable the Chairman of the Court of Directors.

Honourable Sir,

THE Nabob Azeem-ul-Dowlah having judged it to be proper for him to address letters to his Majesty, to his Royal Highness the Prince of Wales, to the Honourable Court of Directors, Carnatic Papers, 1803, vol. i., p. 29.

Directors, and to the Marquis Cornwallis, on the occasion of his elevation to the musnud of his ancestors, has requested me to transmit them by the present Despatch. I have accordingly the honour to enclose them, agreeably to his Highness's desire; and to convey to you his Highness's further request that the letter addressed to his Majesty and the Prince of Wales may be conveyed to them with the customary circumstances of respect.

I have, &c.

Fort St. George, 11 August 1801. (signed) *Clive.*

Carnatic Papers, 1803, vol. i., p. 29.

TRANSLATION of a Letter to his Most Excellent Majesty the King of Great Britain, &c., &c, &c., from his Highness the Nawaub *Azeem-ul-Dowlah*, Bahadar.

ON the 15th July 1801 my respected uncle departed from the stage of this transitory life to the world of eternal duration; in consequence of which event your Majesty's representatives, that is to say, the Governor in Council at Madras, *in virtue of my right of inheritance*, derived from my grandfather and father, were pleased to instate me in the musnud of the Government of the Carnatic.

I offer my gratitude and acknowledgment to your Majesty's Governors, and consider myself by heart and soul pledged to your royal favour.

I hope that your Majesty's protection and royal regard will in every respect be bestowed upon me, as it was on my venerable grandfather.

TRANSLATION of a Letter to his Royal Highness the Prince of Wales, from his Highness the Nawaub *Azeem-ul-Dowlah*, Bahadar.

(After compliments).

Ibid., p. 30.

IN consequence of the death of my late respected uncle, the Nawaub Omdut-ul-Omrah, Bahadar, the Governor in Council of Madras instated me, *in virtue of my right as heir*, in the musnud of the Government of the Carnatic.

I make offer of my gratitude to your Royal Highness upon this occasion, and request to be honoured by your Royal Highness's recommendation to me of his illustrious Majesty the King of Great Britain.

I trust that your Royal Highness will also honour me always with your own gracious regard.

TRANSLATION of a Letter from his Highness the Nawaub *Azeem-ul-Dowlah*, Bahadar, to the Honourable Court of Directors.

Ibid.

AFTER the demise of my late respected uncle, which happened on the 15th July 1801, the representatives of your Honourable Court, that is to say, the Governor in Council of Madras, instated me in the musnud of the government of my ancestors: it is with pleasure that I offer my grateful acknowledgments to your Honourable Court. I remain staunch and stedfast, by all means, in the safe path of friendship and fidelity, and trust that your Honourable Court will always honour me with your cordial friendship, in the same manner that you bestowed it upon my ancestors.

I refer your Honourable Court for further particulars to the Despatches of the Right Honourable Lord Clive.

DIARY, 14 August 1801.

Ibid., vol. ii., p. 97.

Sent the following letter to Major *J. A. Kirkpatrick*, Resident at Hyderabad:—

Sir,

THIS letter will be delivered to you by the person intrusted by his Highness the Nabob of the Carnatic with letters addressed to his Highness the Nizam, and to his ministers, on the subject of the Nabob Azeem-ul-Dowlah's succession to the soubahdarry of Arcot; and I am directed by the Right Honourable the Governor in Council to desire that you will endeavour to obtain an early and suitable answer to the Nabob's letters.

I have, &c.

Fort St. George, 14 August 1801. (signed) *Josiah Webbe*,
Secretary to Government.

TRANSLATION of an Arzee from *Azeem-oo-Dowlah*, Bahauder, to his Highness the Nizam, communicated to the Resident 24 October 1801.

Ibid., p. 104.

AFTER performing the duties of attachment, be it represented—

At this time, subsequent to the decease of the uncle of this faithful servant, the Company's Government, who are the sincere friends of the ancestors of this well-wisher, from a due regard to the ancient alliance and claims of my family, have fixed and established this sincerely attached person in the Nizamut of the Carnatic.

A bounty so unexpected and great having thus been conferred on this humble servant, he makes bold to represent the same for the information of his Highness.

What more need be represented?

On a separate Paper.

The sum of 71 gold mohurs has been transmitted, in the plenitude of attachment, as an offering to your Highness; I am hopeful it will be approved.

TRANSLATION

TRANSLATION of an Enayul Namah from his Highness the Nizam to *Azeem-ul-Dowlah*, Bahadar, communicated to the Resident 24 October 1801. Carnatic Papers, vol. ii., p. 104.

YOUR letter apprising me of the Honourable Company having, in conformity to their usual good faith, selected and established that person of exalted dignity in the government of the Carnatic, subsequent to the decease of Omdut-ul-Omrah, has been received, and the nuzzer of 21 gold mohurs, which was sent, in the plenitude of attachment and sincerity of devotion, has been most kindly and graciously approved. A kellut and jewels, according to the accompanying list, have been conferred. After returning due thanks for these works of favour, let them adorn your person; and, considering me as always well inclined towards you, let me hear from time to time of your welfare.

LIST of Presents from his Highness the Nizam to *Azeem-oo-Dowlah*, Bahadur, extracted from the Records of the Wardrobe and Treasury.

A short string of pearls, with a jewel suspended thereto.
One serpeish and one jugput.
One suit for a kellut.

TRANSLATION of a Letter from *Azeem-ul-Omrah*, Bahadur, to *Azeem-oo-Dowlah*, Bahadur, communicated to the Resident 24 October 1801. Ibid., p. 105.

YOUR friendly letter, mentioning the Honourable Company having, after the decease of Omdut-ul-Omrah, raised, with their usual support and good faith, that friend to the government of the Carnatic, rejoiced me by its arrival.

The arzee and the nuzzar have been delivered to the resplendent presence. A kellut and jewels, according to the accompanying list, have, in consequence, been bestowed by the bountiful presence, always intent on distinguishing faithful adherents; returning, therefore, due thanks for such distinguished marks of favour, let the same cloth adorn you.

Continue to render me happy by the transmission of accounts of your welfare.

TRANSLATE Copy of Letter from *Sawaye Bage Roo Pundet Purdhau* to the Nabob *Azeem-ul-Dowlah*, Bahadur (without date). Ibid., p. 107.

YOUR joyful and friendly letter having arrived in the happiest season, afforded me infinite satisfaction. You informed me that, in consequence of the will of the Omnipotent, your uncle Omdut-ul-Omrah was removed from this transitory world to that of eternal duration; that in consequence you succeeded to the government (of the country); and that, in consideration of the ancient friendship subsisting (between the Circars), you had communicated the circumstance for my information.

All this I have distinctly understood.

To the dispensation of the Almighty there was no other remedy applicable than submission and resignation; and seeing that you have succeeded in the usual manner to the government, I have derived therefrom a degree of pleasure and happiness which it is impossible for me sufficiently to express.

Continue constantly to gratify me with accounts of your welfare.

What more need be written?

DIARY to Political Consultations, 18 November 1801. Ibid., p. 105.

Received the following Letter:—

Josiah Webbe, Esq., Chief Secretary to the Government, Fort St. George.

Sir,

I HAD the honour to receive your letter of the 14th August, by the messenger who was charged with a letter to the Paishwa from his Highness the Nabob Azeem-ul-Dowlah, and who arrived at Poona on the 29th September. The Paishwa being at that time absent, I forwarded the Nabob's letter to him immediately, with a request that he would be pleased to give an early answer, and in terms suitable to the consideration which the Nabob had evinced towards him in notifying his accession to the musnud.

In the usual and systematical style of procrastination at this Court, the answer has been delayed, under daily promises of transmitting it to me, until last night, when it was produced, on its being known at the Durbar that, conformably to the notice I had given, I should certainly dispatch the Nabob's messenger this morning without it; and of which, indeed, I had declared my determination, after a reasonable time for an answer had elapsed.

I have, perhaps, had more patience on this occasion than is entirely consistent with the Nabob's dignity, and the return to which he is entitled for his attention to the Paishwa. But as the promises which I received of any early answer were always attended with expressions of respect towards his Highness, I wished to avoid taking a step which might

have interrupted the harmony and good understanding which it may be advisable to maintain between an ally of the Company and this Court, so long as I had reason to believe that the delay was not intentionally disrespectful to the Nabob's person or station.

I have, &c.

Poonah, 30 October 1801. (signed) *Wm. Palmer.*

Carnatic Papers, vol. ii., p. 107.

EXTRACT of Fort St. George Political Consultations, the 15th December 1801.

TRANSLATION of a Letter from his Highness the Nabob *Azeem-ul-Dowlah* to the Right Honourable Lord *Clive*, &c.

(Extract).

IT is my wish, in conformity with established usage, to send arzdash with nuzzars to the King of Delhi, and the Shazadah, upon the occasion of my ascending to the musnud, which has been entirely owing to your Lordship's kindness; and I therefore enclose two drafts of the arzagashts for your Lordship's perusal, which, if they meet your Lordship's approbation, I will, with your permission, have copied fair, and forward them by aircarrahs to Delhi.

Ibid.

TRANSLATION of an Arzdasht to the Presence of his Majesty the Emperor *Shah Ahlur*, from the Nabob *Azim-ul-Dowlah*, &c. &c. (without date).

THIS worshipper of the shrine of true fidelity, and pilgrim in the path of firm allegiance, at all times makes his prayers for the permanence of your Majesty's eternal dominion, the lesson of his tongue, and his supplication for the prolongation of the illustrious, angelic, and world-protecting shadow of your royal person, the talisman of his soul.

This duty he considers his supreme happiness, nay, the most important part of his religion.

Influenced by the ardour of attachment, he ventures to represent that, on the departure of his uncle Omdut-ul-Omrah from this transitory world to that of perpetual duration, he (the faithful representator), by the *support and assistance* of the managers of the Honourable English Company (who are staunch in their allegiance to the ministers of your imperial throne), *in virtue of the rights of his father and grandfather, was established in the government of the territories of the Carnatic.*

The tribute of gratitude he ascribes to that majesty, like the tree of Paradise, replete with blessings; and transmits a nuzzar of 121 ashulsies to the resplendent presence, by the acceptance of which he hopes to be honoured.

Ibid., 1801, vol. ii., p. 108.

TRANSLATION of an Arzee to the Presence of the Prince *Akbar Shah* from the Nabob *Azim-ul-Dowlah*, &c. &c. (without date).

HAVING made the salutations of fidelity, the plume of the head of allegiance, it is represented at the place of audience, where the servants of the presence kiss the verge of the carpet of munificence, that this attached dependent, who, like his father and grandfather, treads with firm and undeviating step in the paths of obedience and fidelity, has lately, on the event of the death of his uncle Omdut-ul-Omrah, through the *support and assistance of the managers of the Honourable English Company, and agreeably to the ancient line of inheritance, succeeded* to the government of the territories of the Carnatic, and is grateful for the endless favours of his Majesty, the shadow of God.

He has dispatched an arzdasht with a nuzzar to the resplendent presence, and trusts that, by means of the servants of the presence, his Highness will have the goodness to cause it to be laid before his Majesty.

As a mark of his fidelity, he has transmitted to his Highness a nuzzer of 21 ashnasies, which he hopes will be accepted.

His Vakeel, Rajah Hazari Mull, will present these nuzzers and arzees to his Highness.

Upon receipt of the ratification of the treaty by the Directors, the Nabob, who invariably expressed his gratitude to the Company with Asiatic fervour, but obvious sincerity, addressed the following letters to Lord Clive and the Governor General:—

1803, Papers, vol. iii., p. 171.

TRANSLATION of a Letter from his Highness the Nawab *Azim-ul-Dowlah*, Bahadur, to the Right Honourable Lord *Clive*, (dated and received 24 January 1803).

AT a moment when I was looking with anxious expectation for news from England, I had the pleasure to receive and to understand your Lordship's letter the 22d Rumgan, of 17th January 1803, stating that your Lordship had received advices from the Honourable the Court of Directors, in answer to the Despatches of the Government of Madras, wherein the Court of Directors had signified their approbation of the settlement of the affairs of the Carnatic, and their confirmation of the treaty concluded with me on the 16th September 1801; their

their approbation and applause of the several parts of the arrangements, and their congratulations on my elevation to the musnud of the Carnatic, and to inform me, that by a future conveyance they would address me on this subject, also conveying to me your Lordship's own friendly congratulations on the occasion.

From the innate kindness of my true friend, the Most Noble Marquis Wellesley, Governor General, and the sincere friendship and support of your Lordship, I was fully assured that my ascension to the musnud of the Carnatic should meet the approbation of the Honourable the Court of Directors; and praise be to the Almighty, that the joyful tidings of their approval, conformably to the sincere regard of my friends, the Governor General and your Lordship, and my own ardent wishes, having been received, have conveyed to my mind inexpressible pleasure. My joy and satisfaction on this happy occasion have been augmented, in a more particular manner, by your Lordship's personal attendance, with the gentlemen of council and others, to deliver the gratifying letter, and to offer your congratulations in public durbar.

These signal instances of friendship and kindness have bound me to the Company, to the Governor General, and to your Lordship, by the strongest ties of gratitude, and have relieved my mind from all anxiety. The arrival of this pleasing intelligence must also have removed all the doubts of the weak-minded. Deeply impressed with the unbounded generosity of my friends, I shall continue firm and stedfast, conformably to the existing treaty, in the sincerest friendship and attachment to the Honourable Company to the last hour of my life; nor shall I ever lose sight of or forget the obligations which have been conferred upon me; and I pray the Creator of heaven and earth to reward my friends with a constant series of victory and prosperity.

I have addressed a letter to the Most Noble the Governor General, which I send herewith, and enclose a copy for your Lordship's information. I request your Lordship will be pleased to forward the letter to Bengal.

TRANSLATION of a Letter to the Marquis *Wellesley*, Governor General, Bahadur. 1803, Carnatic Papers, vol. iii., p. 171.

AT this auspicious time, the Right Honourable Lord Clive delivered to me in my public durbar a letter, conveying the very exhilarating intelligence that replies to the Despatches of the Government of Madras had been received from the Honourable Court of Directors, approving and confirming the settlement of the affairs of the Carnatic; and his Lordship at the same time, in conformity with the desire of the Honourable Company of Directors, communicated to me congratulations from the Honourable Court, as well as from himself, on the occasion: hence I have derived inexpressible satisfaction and comfort. Truly the successful termination of this important arrangement and happy adjustment of my affairs is wholly owing to the beneficent assistance of your Lordship, my true benefactor, and that of my Lord Clive. If my whole life were devoted to the expression of my gratitude to your Lordship it were not sufficient; and I do not exaggerate when I say, that every minute I breathe gratitude for your Lordship's goodness.

I transmit enclosed for your Lordship's perusal a copy of my reply to the address of my Lord Clive; and I pray the God of glory to prolong your Lordship's precious existence in this world in health and prosperity.

The following documents show how certain appendages of the sovereignty were dealt with:— Appendages of the sovereignty.

EXTRACT, Fort St. George, Political Consultations, the 10th November 1801. 1803, Papers, vol. ii., p. 103.

(Extract of President's Minute, dated as above).

CONSIDERING the garden of Sautgur to be an honorary appendage to the rank and situation of the Nabob, I propose that it shall be immediately relinquished to his Highness, subject to the payment of a monthly pension of 250 rupees, which was granted to Hirasul Khan, a descendant of the original proprietor of the garden of Sautgur, during the time when the Carnatic was assigned to the management of the Company by the Nabob Mahomed Ally. Sautgur gardens.

EXTRACT of a Letter from Lord *Clive* to the Nabob *Azeem-ul-Dowlah*, dated 10th November 1801. 1803, Papers, vol. ii., p. 103.

Para. 6. IN conformity to the verbal communication made to your Highness, I have now the honour of transmitting an order for putting your Highness's officers in possession of the garden of Sautgur, which I consider to be an honorary appendage to the rank and station of the Nabob of the Carnatic, and request that your Highness will make an arrangement for paying to Hirasul Khan, discarded from the original possession of that garden, a monthly pension of 250 rupees.

Resolved, that the necessary instructions for transferring the garden of Sautgur to the possession of his Highness the Nabob shall be issued from the Revenue Department.

EXTRACT of Political Letter from Fort St. George, dated 17th February 1802. Ibid., p. 95.

Para. 88. WE have the satisfaction of informing your Honourable Court that his Highness has received the congratulations of the Peshwa and of the Nizam on the occasion

of his elevation to the musnud, and the letters from those Princes have been entered on our records.

Nuzzers.

89. Having received from the President at *Travancore* an application on the part of *the Rajah*, requesting to be made acquainted with the channel through which his stipulated annual payments were in future to be made *to his immediate superior Lord*, we directed his Excellency to be informed that the peshcush nuzzeranahs and nuzzers payable by his Excellency were to be transmitted, *according to the ancient usage, to the durbar of the Nabob of the Carnatic.*

90. We have judged it to be proper to compliment the Nabob by relinquishing to his Highness, *as appendages of sovereignty*, the gardens of Sarelghur, the palace and gardens of Trichinopoly, and sundry villages and other enaums appropriated to religious purposes.

91. For any further information on this subject, we have the honour to refer you to the lists of the religious appropriations delivered to us by the Nabob, and to our instructions to the Board of Revenue, noticed in the margin.

92. We have issued orders to the officer commanding at Trichinopoly to afford protection to the family of Nusseer-ul-Mulck, the brother of the late Omdut-ul-Omrah. They appear to have been exposed to the insults and menaces of the late servants of the Circar, who had grown clamorous for the discharge of their arrears of pay. Your Honourable Court will be pleased to learn that our protection has been extended to this family at the express desire of his Highness the Nabob.

The Nawaub received royal honours, as appears from the following:—

Asiatic Reg. 1808, p. 168.

Nov. 27.—Yesterday, at sunrise, a royal salute was fired from Chepauk Palace, and returned by the saluting battery of Fort St. George, in honour of the anniversary of the Nabob Azeem-ul-Dowlah.

The Governor paid a visit of ceremony to his Highness on the occasion.

Opposition and troubles in royal house.

The elevation of Azeem-ul-Dowlah, and his agreement to the conditions of the Company, gave great offence and dissatisfaction to the sensitive minds of the other members of the royal house. They refused to attend at his installation, and his Highness had for some time no smooth or pleasant, perhaps it may be said no safe, life to lead amongst them. The following documents, from which this appears, are extremely valuable in other respects, as will more clearly appear in the sequel:

DECLARATION by Lord *Clive*, 18 December 1801.

1803, Carnatic Papers, vol. ii., p. 124.

In the name of God!

I HAVE had the honour of receiving two papers signed by some of the most respectable persons connected with their Highnesses, the late Nabob Mahomed Alli, and the late Nabob Omdut-ul-Omrah.

It is known to those respectable persons, that the British Government, actuated by motives of national magnanimity and moderation, relaxed the exercise of the positive rights which it had acquired under the violation of the alliance by their Highnesses the late Nabob Mahomed Alli and the late Nabob Omdut-ul-Omrah; that relaxation was referable to no tacit acknowledgment of any dormant right on the part of the family of those deceased Nabobs; but it originated in the generous wish, founded on a long intercourse of friendship and union, *to preserve to that respectable family its ancient rank among the Princes of Hindostan.*

Under that moderated exercise of the power acquired by the British Government, it had a right to expect the cheerful acquiescence of every branch of that respectable family in the arrangements finally adopted for the *security of the British interests in the Carnatic, and for the preservation of the dignity of that respectable family;* but it is sufficiently known that a general and unreasonable resistance was opposed to those arrangements by the persons who have signed the present representation; while many of those individual persons endeavoured to advance pretensions of a distinct and personal interest, thereby manifesting an indisposition to any arrangement which could have been suggested.

When the British Government finally determined to elevate his Highness the Nabob Azeem-ul-Dowlah, Bahadur (whom Heaven preserve!), to the rank of Nabob of the Carnatic, I encouraged a reasonable ground of expectation, that the suppression of those discordant pretensions would be followed by a cordial and grateful disposition, on the part of the family, to meet an arrangement calculated in a particular manner to support the ancient dignity and honour of that house. In this hope, I caused timely communication to be made by my authority, and, in the name of the British Government, to the principal members of the family, informing them of the intended elevation of the Nabob Azeem-ul-Dowlah, Bahadur (whose shadow be extended!), and inviting them to be present, and to partake of the honours of his Highness's installation.

It

It is known to the respectable persons who have signed the present representation, and it is notorious to the whole world, that not one of those persons attended that distinguished ceremony; thereby manifesting a determined hostility to the Nabob Azeem-ul-Dowlah (whom God preserve!), an ungrateful disrespect to the British Government, and a perverse adherence to the spirit of those councils which had terminated in the forfeiture of the rights of the family.

This public denunciation on the part of the family, of its disaffection to the Nabob Azeem-ul-Dowlah (whose life be prolonged!), was consistently followed by a systematic resistance opposed to the endeavours of that Prince, and to my exhortation, for the purpose of establishing union and affection among the different members of that respectable family.

The progress of these unhappy dissensions I have continued to observe with the utmost degree of concern; and I regretted that the advice, respectfully offered by me to her Highness the Begum Sultaun ul Naffa, in my letter of the 20th September last, should have failed to produce that conciliatory disposition, on the part of the family, which it was my desire to establish.

Under these circumstances of public insult and resistance to the authority of the Nabob Azeem-ul-Dowlah (whom God preserve!), it is neither improbable nor unreasonable that his Highness should have felt sentiments of resentment towards those persons who have not hesitated to avow, in the most public manner, their determined enmity to his Highness. But I deem it necessary to state, in the most formal manner, that the Nabob Azeem-ul-Dowlah Bahadur (whom God preserve!) has repeatedly afforded to me satisfactory evidence of his disposition to revive the bonds of union, and of natural affection, with the dissentient members of his Highness's family.

Those members of the family who have signed the representations addressed to me have appealed, through me, to the British Government against the violence imputed to his Highness the Nabob Azeem-ul-Dowlah (whose shadow be extended!), stating the confinement of their persons and the usurpation of their property.

When the Nabob Azeem-ul-Dowlah was raised to the rank of Nabob of the Carnatic, his Highness succeeded to the rights of his illustrious ancestors, heretofore Nabobs of the Carnatic. During a long period of time those rights have been exercised within the jurisdiction of the British Government, and every member of the family knows that the British Government never interfered, otherwise than by the interposition of its friendly offices, in the internal arrangement of their Highnesses' domestic economy. One of the most memorable events which could have required such an interference was the death of his late Highness the Ameer-ul-Omrah (of blessed memory); but it is intimately known to some of the most respectable persons who have signed the present representation, that the Nabob Mahomed Ali (who is in Heaven) exercised on that occasion the full and undisputed right of *an independent sovereign*, according to the Mahomedan laws, unqualified by his Highness's existing engagements with the British Government.

The principles of the engagements existing at that period of time were similar to those of the treaty by which the Nabob Azeem-ul-Dowlah (whom God preserve!) has made himself the instrument of *restoring the foundation of alliance* with the British Government, and of the *rank and dignity of this new illustrious family*. It is therefore incumbent on the British Government to respect the rights acquired to his Highness by the late treaty; and it is my especial duty to resist *every attempt* which may be made to encroach on those rights, *or to violate the principles of the alliance now firmly and perpetually established.*

At the same time, however, that I declare, in this formal manner, the resolution of the British Government to preserve to the Nabob Azeem-ul-Dowlah (whose shadow be extended!) the rights which his Highness has acquired by treaty, I also declare an equal determination to oppose an uniform resistance to such an exercise of power within the jurisdiction of the British Government as shall be incompatible, in my judgment, with the honour and dignity of the British nation.

Upon these principles, it is incumbent on me to declare that, if the Nabob Azeem-ul-Dowlah (whom God preserve!) should have actually exercised his Highness's power in the manner and to the extent implied in the representation, I should have felt it to be my duty to remonstrate with his Highness, and ultimately to resist such an exercise of power. But such an exercise of power is manifestly inconsistent with the vigilance of the British Government, and with the constant intercourse established with the palace of Chepauk. It is also consistent with my positive knowledge, that some of the facts stated in the representation are highly inflamed and maliciously exaggerated. But notwithstanding this impression, I shall not hesitate to interpose my good offices, and to require from his Highness the Nabob Azeem-ul-Dowlah (whom God preserve!) an explanation of the circumstances of inquiry stated in the representation.

As soon as I shall have received that explanation, I shall have again occasion to address myself to those respectable persons who have signed the representation, and to afford them all the satisfaction which may be consistent with the faith of the British Government, and with a true state of the facts.

(signed) *Clive.*

Fort St. George, 18 December 1801.

1803, Papers, vol. ii., p. 126.

To His Highness the Nabob *Azeem-ul-Dowlah*, &c., &c., &c.

May it please your Highness,—

I HAVE observed, with much concern, that the endeavours of your Highness and myself to conciliate the minds of some of the principal branches of your Highness's family have proved unsuccessful. As long as the arrangements which have been recently concluded for the affairs of the Carnatic were depending, it was natural to suppose that some of those persons interested in the event should feel a disposition to oppose your Highness's pretensions; but I indulged a reasonable expectation that the final conclusion and ratification of the late treaty would have removed those rival grounds of animosity, and would have established a permanent foundation for re-uniting those branches of the family in the bonds of affection and duty with your Highness.

These sentiments your Highness knows I had the honour of communicating to her Highness Sultaun ul Nissa, Begum, on a former occasion; but having since received further representations stated to be on the part of the family, I consider it to be proper to furnish your Highness with a copy of those papers, together with the copy of an answer which I have enclosed, and which I request your Highness to transmit for the information of the persons who have signed the representations. It is not my intention, by the transmission of these papers, to establish the grounds of any improper or unusual interference in your Highness's domestic affairs. I am fully sensible of the delicacy which it is incumbent on the British Government to observe towards every person, and particularly towards the female part of the families of the late Nabob Mahomed Ally, and of the late Nabob Omdut-ul-Omrah. I am aware that your Highness, as the constituted head of that family, is the proper channel of regulating its domestic economy, and of composing its internal dissensions.

Your Highness, however, is so fully acquainted with the principles and with the motives of generosity which actuated the British Government in the re-establishment of the family in its rank, that your Highness will readily perceive the degree of concern with which I must receive communications of the nature of those enclosed; and although I have every reason to believe, from my constant intercourse with your Highness, that these representations are extremely exaggerated, it is yet incumbent upon me, both with respect to the public station which I have the honour to hold, and with regard to the attention due from me to your Highness, and to your Highness's family, to transmit those papers to you, and to recommend to your Highness to endeavour, by the constant observance of that moderation and forbearance which is becoming your station, to remove every ground of complaint, and to retrieve the affections of persons so nearly related to your Highness.

I do myself the honour to recommend the subject to your Highness's early and serious attention.

(signed) *Clive.*

Fort St. George, 18 December 1801.

1803, Papers, vol. ii., p. 114.

EXTRACT of Fort St. George Political Consultations, 22 December 1801.

Right Honourable the President's Minute in Council, 22 December 1801.

15. I conclude that no person distrusts the general ground of belief of their Highnesses the late Nabob Mahomed Ally, and the late Nabob Omdut-ul-Omrah, having died possessed of great property, and I have positive reason to believe, on the ground of circumstances which occurred during the late negotiations, that a large property is now in the possession of some branches of the family.

16. It is a known fact that, at the death of his Highness the late Ameer-ul-Omrah, the reigning Nabob Mahomed Ally took possession of the entire property of the deceased Prince. The father of the late Nabob Omdut-ul-Omrah succeeded to the possession of that, in common with the other property of his father, as sovereign of the Carnatic. If, according to the principles of Mahomedan law, the Nabob Omdut-ul-Omrah Ally had a right to obtain possession of the property of the Prince Ameer-ul-Omrah, the present Nabob Azeem-ul-Dowlah had the same right, on his elevation to the rank of Nabob of the Carnatic. On the other hand, if the descendants of Omdut-ul-Omrah have a right to hereditary property, without reference to the principles of the Mahomedan law, and the usage of the Carnatic already stated, then the Nabob Azeem-ul-Dowlah has an undisputed claim to the possession of his father's property, which is notoriously known to have been very large.

17. If the Nabob Azeem-ul-Dowlah had proceeded to exercise his power for the recovery of rights so well founded, it might have been difficult to have opposed a reasonable objection to it; but it is consistent with my knowledge, that his Highness has absolutely abstained from the exercise of his power for that purpose; and such moderation, under the circumstances in which his Highness is placed, is, in my judgment, a very deficient answer to the general imputation of violence stated on the part of the family.

20. I have already recorded my opinion of the necessity of supporting the just rights and pretensions of his Highness the Nabob Azeem-ul-Dowlah, with respect to his *foreign relations*; and the same sentiments are, in my judgment, strictly applicable to the internal state

state of his Highness's affairs. This obligation is incumbent on the British Government, in conformity to the terms of the treaty concluded and formally ratified. Any relaxation of the rights conveyed to the Nabob by that instrument can only tend to encourage those hopes of change which must protract, and probably frustrate, the domestic happiness of the family, while the indecision of the British Government would expose all the branches of the family to the rapacity of those interested adventurers who have hitherto fattened on its spoils.

21. Under the impression of these sentiments, I consider it to be essentially necessary to the happiness of the family, and to the consistent character of the British Government, that the fallacious expectations of the one should be suppressed by a candid avowal, and a strict observance of the principles of the latter.

In recording these sentiments, I judge it to be proper to repeat my opinion of the disposition readily and invariably evinced, by the present Nabob, to meet with cheerfulness such suggestions as I considered to be advantageous to his Highness and to the Company; and I have no doubt that his Highness's answer to my proposed reference will confirm on the minds of the Board this impression of his character.

TRANSLATION of a Circular Letter from his Highness the Nawaub *Azeem-ul-Dowlah*, Bahadur, to each of the Members of the Family, as hereunder specified. 1803, Papers, vol. ii., p. 134.

FROM the commencement of the succession of this servant of the court of the Omnipotent to the government of the Carnatic, the conduct, so repugnant to the principles of all upright and good men, which you have observed towards me, must be fresh in your recollection; it is the more extraordinary, since, not satisfied with this conduct to myself, you have transmitted (to others) representations replete with accusations false and unfounded.

It is perfectly evident to the sagacity of every person of discernment and impartiality, that besides the indispensable arrangements and regulation of my affairs, an attention to which is incumbent on every ruler, my conduct to you has not, even although I witnessed your refractory sentiments, been influenced by a bias of severity. This is a fact so notorious, that it were superfluous to illustrate it by particular instances.

In consequence of a line of conduct adopted by my late uncle, the Nabob Omdut-ul-Omrah, incompatible with his engagements with the British Government (the approved benefactors of the rulers of the Carnatic), the terms of those engagements were infringed, and our whole house consequently involved in a situation dangerous and alarming.

By the gracious and kind interposition of Providence, the British Government were (nevertheless) pleased to confer on me the succession to the government, as mine by right, thereby preserving secure the honour of our entire house.

The demesnes and buildings of the palace, the residence and memorial of our progenitors, had been mortgaged, and were about to be sold—an event which, had it actually taken place, would not have left us even the shadow of a wall.

These have been redeemed, and the demands of the mortgagee discharged—demands which, had they not been satisfied, God only knows what might have been the situation of the individuals of the family.

Thank Heaven, my intentions have been so void of guilt, and my disposition so averse from injuring even an individual, that I entertain no apprehensions from your memorials; nay, I imagine they will redound to my advantage.

Now, since it has pleased the Almighty God to favour me with this government, and as I have redeemed from mortgage the garden of Chepauk, you should know that it is mine by virtue of a twofold right.

First, it is mine as a ruler of the Carnatic.

Secondly, it is mine, having purchased it with my own money; thus I am the paramount and absolute proprietor of the said garden.

Therefore, if with a view to the upholding of your rank you should prefer to reside within the said garden, it behoves you to submit on all occasions to my authority; otherwise, if, contrary to the customs of the Walajahi family, you should disclaim my authority, then you must relinquish my property; and in that event, I shall be no longer responsible for the defence of your honour.

The same to *Hussain-ul-Mulk.*
Tajul Amra.
Rayes-ul-Omra.
Ameral Dowlah.
Islachar-ul-Dowlah.
Jatamud-ul-Mulk.
Majed-ul-Dowlah.
Jatazad-ul-Dowlah.

TRANSLATION of a Letter from the Individuals of the Family to the Nawab *Azeem-ul-Dowlah*, Bahadur. 1803, Papers, vol. ii., p. 135.

YOUR letter, dated the 29th December last, we have received, and comprehended the contents.

You have informed us summarily, that the complaint which we were necessitated to

prefer to the Governor in Council of Madras is false and unfounded. The prayers and the pains which you have excited in our breasts by the impropriety of your expressions, and the unkindness of your conduct, remain concealed within these breasts; but the circumstances which have lately occurred are so notorious, that no individual can have any doubts respecting them, and your conduct of yesterday, in imprisoning the servants and individuals of this family, is a proof in point, neither can there be any doubts of the intentions of the persons who authorised the measure; a world are judges that that person instigated what has happened to us. But we wish not to discuss this subject with you; it will be cognisable in that tribunal where your conduct and that of the descendents of the Nawab Wallajah Omdut-ul-Omrah, Bahadur (the mercy of God be upon him!), their respected brother and father . . . That tribunal will not fail also to investigate the charges in which you have involved his late Highness; that he, though a Prince of such high power, with all the honour and dignity attached to the musnud of the Carnatic, humbled himself to a condition that might excite shame and blushes, in order that he might preserve the engagements entered into, and so acted, merely that by these means the inheritance of his father and grandfather—that is, the entire country, without the participation of another—should remain, and not go into other hands. He gave up Chepauk that he might preserve the most estimable object, the country of the Carnatic—a country which had devolved in a series from father to son; and by these happy means *consign it to his children without interruption.* These matters we do not discuss with you; but we cannot make public your shame.

You are happy in the measure you have adopted of relinquishing the dominions of the Carnatic for the hope of retaining Chepauk. Conceive the trouble and distress you have given us, by directing us to make choice of two things; namely, to remain within the precincts and protection of your authority, or if not, to abandon entirely the garden of Chepauk. Our rank and honour suffer us not justly to choose either alternative; and although the most distressing of all worldly calamities is expulsion from our native soil, nevertheless we shall speedily, according to your wishes and writing, forsake our habitations, and proceed elsewhere. Here the recollection of our ancient rank and greatness (alas, how changed!) perpetually recurs; and our understandings suggest to us nothing save the mortification of quitting this our abode, and resigning it to you. Probably you may have the heart to remain in it; we have no choice—we have not such hearts.

(signed) *The Son of Omdut-ul-Omrah.*
The Son of Sultan-ul-Niffa Begam.
Hussain-ul-Mulk.
Mahommed Naffur Chan.
Assud Ullah Mian.

(A letter the same exactly as the above was written and sent by each).

The preceding letter bears no date. As it refers to "his late Highness," it may have been dated subsequent to the death of Hussain Ally, announced in the following Despatch:—

1803, Papers, vol. ii., p. 95.

EXTRACT from Political Letter from Fort St. George, dated 3 May 1802.

Para. 2. WE are concerned to be under the necessity of reporting to your Honourable Court the death of Ally Hussain, the reputed son of the late Nabob of the Carnatic, who departed this life on the 6th ultimo.

He died without leaving any issue.

1803, Papers, vol. iii., p. 167.

TRANSLATION of a Letter from his Highness the Nabob *Azeem-ul-Dowlah*, Bahauder, to the Right Honourable Lord *Clive*, &c., &c., &c., dated and received 4th Ramson 1217 Hegery, or 30th December 1802.

THE machinations of an infatuated part of my own family, who are adverse to the propitious arrangements established for the administration of the affairs of the Carnatic, and for the happiness of its people, are intimately known to your Lordship; and you are also aware of the forbearance with which I have, in compliance with your Lordship's advice, in the present situation of things, refrained from exercising the just degree of authority necessary to relieve me from this inconvenience, in the hope of evincing, by conciliation and forbearance, those mistaken people from the errors and misdoings of their evil counsellors.

A recent instance, however, has occurred, in which I have found it to be indispensably necessary to assert my authority in a more direct manner, both as the head of Mahomedan government in the Carnatic, and particularly of the Wallajah's family.

Shah Sawar Jung, the reputed son, by a courtesan, of the late Nabob Omdut-ul-Omrah, having conducted himself in a manner disrespectful towards me, I adopted the most lenient mode of signifying my displeasure, according to the long-existing usage of the Nabobs of Arcot, by placing him in arrest in his own apartments, with sentinels at his door, but with strict injunctions not to interrupt the usual supplies of his table.

Having

Having fastened the doors of his apartments, he addressed a petition to one of the judges of the Supreme Court, accusing me of withholding from him the necessaries of life, and claiming the protection of the Court; thus endeavouring to remove himself from the authority to which he was constitutionally subject as a member, though an unworthy member, of the Wallajahi family, and to seek protection from his insolence, under an imputed intention on my part of cruelty and inhumanity. Invasion of Nabob's sovereign rights by English Courts.

With respect to the calumnious part of the petition, if the communications which your Lordship daily receives of the transactions at Chepauk were not sufficient to remove every doubt, if any doubt existed in your Lordship's mind, I could furnish your Lordship with the most abundant proof of the entire disregard of truth manifested by Shah Sawar Jung; but I am assured that your Lordship's friendship and consideration for me would induce you to judge such a procedure, in the present case, to be an unnecessary condescension from the high rank and station to which, under the favour of Providence, I have been advanced by the British Government.

With regard to the wish apparently expressed by Shah Sawar Jung, in his petition to withdraw himself from my authority, your Lordship will remember that, at an early period after I ascended the musnud of my ancestors, I apprised the disaffected members of my family, by a circular letter, of which I furnished a copy for your Lordship's information, that if they continued to occupy apartments within the precincts of my palace, I should expect them to conform to those internal regulations which I might adopt; but if they should be desirous of withdrawing themselves from Chepauk, it was my intention to grant them free permission to do so. I did not trouble your Lordship with the answers I received, because they were more calculated to demonstrate a spirit of hostility than expressive of their gratitude for the obligations which, through my intercession, they have received from your Lordship's Government.

The insolence and disrespect manifested by Shah Sawar Jung have now given a practical example of their intentions, by an attempt to compel me to the alternative of submitting to a disrespectful conduct on their part, or of suffering the indignity of a foreign interference to supersede my just authority. I am very certain that it is not in the terms of the Treaty of the Carnatic, nor in the spirit of the renewed alliance between me and the British nation, and still less in the gracious intention of your Lordship's mind, that I should be reduced to such a predicament. I have, therefore, deemed it to be proper for me to order Shah Sawar Jung to remove himself from the palace of Chepauk; and, as I can have no doubt that the arrangement adopted by your Lordship to regulate the payment of the family stipends was calculated to maintain and support the dignity and authority of the head of it, it is my request that your Lordship will be pleased to discountenance a procedure subversive of subordination, and repugnant to the established rules of this family and of the Mahomedan sect, by discontinuing the payment of the monthly stipend hitherto granted to Shah Sawar Jung and to his dependents, amounting to 15,000 rupees a year, in the expectation I shall refuse to authenticate the receipts of Shah Sawar Jung, in the usual manner; but your Lordship is assured that, although the change must be attended with inconvenience to that ill-judging person and to his dependents, I shall prevent from exposure to distress any person, however unworthy, being a relation to the Wallajah family. The example will be beneficial to others, by manifesting, under the sanction of your Lordship's authority, that the rejection of my authority is not exempt from the forfeiture of the benefits of my protection.

Although, by the blessing of the Almighty, no possible indignity can assail me while I enjoy your Lordship's protection, I will not conceal from your Lordship the painful feelings which have disturbed my mind on hearing that the Judges of the Supreme Court have considered it proper and decorous for them to inquire into the domestic arrangements of my family.

By the special grace of Him, the most merciful, my friends the English Government (who may truly be described as the vicegerents of justice upon earth) have provided by a sacred law that the customary authority of the heads of families, of whatever persuasion, shall be preserved to the lowest of their Indian people—a law by which the meanest of the subjects, whom I have transferred to your Lordship's mild and beneficent authority, is exempted from the prying curiosity of strangers, and secured in the quiet exercise of those customs and *prejudices* which he has been taught to reverence with an order exceeding the love of life. An exemption from this busy intrusion is accordingly my right as a man.

But your Lordship—and I speak it with a heart full of gratitude—has habitually treated me not only with the tenderness of a father, but with the consideration due to *my rank as a Sovereign Prince*, in conformity to the 1st article of the Treaty of the Carnatic, which secures to me *the same rank, dignities, and immunities which were enjoyed by my venerable grandfather*, who reposes in Paradise. By the favour of the Almighty, this solemn compact of the whole British nation is incapable of violence. A local and subordinate jurisdiction of one people cannot invade the privileges of the Sovereign of another. By the blessing of the founder of all order, the inquisitions of a French tribunal do not reach the sacred person of my august ally, the King of Great Britain, and the intrusion of the Court of Madraspatam cannot touch the Sovereign of the Carnatic.

To your Lordship, as my friend, and as the representative of my unalterable allies, the British nation, my doors and the secrets of my heart are equally open; but the habits of your Lordship's illustrious rank, and your enlightened views of the customs and institutions of the nations of the earth, have instructed your Lordship in the respect which is due

to what narrower and more vulgar minds may consider as prejudices; and your Lordship, if you shall see it necessary, will take further and more powerful measures to secure for ever my honour, and the dignity of my house, from the pollution of intruders, of whatever description.

What should I write more?

English Courts again invade prerogatives.

The English Courts of Law came again into collision with the prerogatives of his Highness, giving rise to the following important correspondence:—

1803, Papers, Vol. iii., p. 169.

Extract of Fort St. George Political and Foreign Consultations, the 18th January 1803.

The following letter, having returned from circulation, is ordered to be recorded:—

Translation of a Letter from his Highness the Nabob *Azeem-ul-Dowlah*, Behadur, to the Right Hon. Lord *Clive*, &c. &c., dated and received 12th Rumzan 1217 Hegery (7th January 1803).

By the blessing of Almighty God, and the support of my sincere friends, the Governor General and your Lordship, the affairs of my government are established on a basis as firm as the wall of Alexander; and under the protection of his august Majesty the King of Great Britain, and of the English nation, I am always in perfect safety and security. Thus situated, my *honour and dignity is the same as that of my revered grandfather*, the Nabob Wallajah (who reposes in Paradise), and the preservation thereof will ever be incumbent on the English Government.

On the 3d of the present month the Supreme Court at Madras, without any communication with me, sent their people into the house of Abdul Mabud Khan Bahadur Jumsheed Jung (one of the sons of the late Nabob Wallajah), seized his person, and carried him away. This circumstance has been a source of great uneasiness and surprise to me, that, notwithstanding the intimate connexion subsisting between me and the English Government, such intemperate measures should have been adopted by the Court against my dependents. Your Lordship knows full well that the poorest man is the master of his own house, and is secure in it, and that none has the power of intrusion therein. Such being the case, it is a matter of great astonishment to me that the people of the Court should so far deviate from the customs of their own nation, as to go into the house of a son of the late Nabob Wallajah, and there disgrace him. Good God! is it consistent with the justice and equity of the Court, that men of rank and distinction should be dragged into durance in this disgraceful manner? This act of violence I conceive to be highly injurious to my honour. By the law of nations, as well as by the sanctions of Government, my dependents (such of them as are heartily well disposed towards me) are equally secure from the interference of the Court as I am in my own person. I have therefore to request, that during your Lordship's government, such an arrangement may be made as shall preclude, now and or ever, all interference of the Court, or of strangers, with any of my dependents.

This act of kindness in your Lordship towards me will add to my security and to my honour.

What should I write more?

Vol. iii., p. 170.

The President records the following Minute:—

The Board will doubtless have received with concern the communication stated in the letter of his Highness the Nabob of the Carnatic, dated the 7th inst., of the seizure and subsequent imprisonment for debt of Abdul Mââbood Khan Bahadur, son of the Nabob Wallajah, and uncle of the present Nabob. With regard to the facts of this case, it is proper for me to state, that about noon on the day of the confinement of Abdul Mââbood Khan, I had the honour to communicate the nature of the transaction and the rank of the prisoner to his Majesty's Chief Justice, suggesting his immediate interference; that on the same evening I received a note from Sir Thomas Strange, affording reason to believe that the prisoner would be immediately liberated; but that at noon on the following day, finding that the Khan was still in the gaol, and his Highness the Nabob having exhibited, by repeated and urgent remonstrances, considerable agitation of mind, I directed a gentleman of my family to make the requisite arrangements for the release on bail of Abdul Mââbood Khan.

The relation of the present Nabob to the British Government, under the Treaty of the Carnatic, was stated to the honourable the Judges of the Supreme Court, in a letter dated the 3d September 1801; and an arrangement was therein proposed for their consideration, intended to secure to his Highness and to his family the honours and immunities enjoyed by his predecessors, heretofore Nabobs of the Carnatic, under provisions of public treaties.

It is much to be desired that the honourable the Judges had felt themselves at liberty to comply with the request contained in that letter; but the Chief Judge having communicated to me in a private letter the reasons which deterred him from stating his opinion extra-judicially, I have been anxious to avert the serious calamities which may ensue from the impossibility, on one hand, of hesitating to execute, to the extent of our means, the spirit of the treaty, and, on the other, of opposing the power of the King's Court, thus leaving

leaving to the Nabob the care of defending his own rights. I have therefore been induced to repeat my attempts, by personal communication with the Chief Judge, to obtain such information of the intentions of the Court, or such an arrangement of the point at issue, as should equally secure to the Court its jurisdiction, and to his Highness the Nabob and his family their public rights.

It is with regret that I am to state, that it has not been practicable for me to accomplish, in a satisfactory manner, either of these important ends. The only point of arrangement to which the Chief Justice considered it competent for him to consent to consisted in a notice of any intended personal arrest, on the condition that the Government should in such case guarantee that the person whom it was intended to arrest should be forthcoming.

It is scarcely necessary to observe to the Board, that the effect of such an arrangement, with regard to the Government, would be to place it in the predicament of agreeing to violate the personal immunities which it is bound by treaty to defend; and that the proposal would either produce that effect with respect to the members of the Nabob's family, or subject the Company to the expense of sustaining the numerous actions which may be, and which probably will be, brought against them.

I have communicated with the Company's law officers on the course most expedient to pursue in the present case; and I have in consequence the honour to propose, that they shall be instructed to move the Court to discharge the proceedings in the action commenced against Abdul Mââbood Khan, on the foundation of the requisite certificates from his Highness, and from the Government, of his actual place in the family of the Nabob. If this application shall succeed, it will become necessary to furnish the Court with a list, certified in the same manner, of those persons who are considered to belong to his Highness's family and retinue, under the Treaty of the Carnatic; and shall accordingly request his Highness to furnish me with a list, for the purpose of being transmitted to the Supreme Court, according to the practice in England, founded on the basis of public law, and accommodated to the modes of the national courts.

(signed) *Clive.*

Fort St. George, 18 January 1803.

DIARY to Political Consultations, 22d January 1803. 1803, Papers, vol. iii., p. 167.

To the Sub-Treasurer.

Sir,

SHAH SAWAR JUNG having incurred the displeasure of his Highness the Nabob of the Carnatic, I am directed to desire that the payment of his pension at the Treasury may cease from the 1st instant.

I am likewise directed to convey to you similar instructions with regard to Gholam Hussein, who has been dismissed from his situation at his Highness's Durbar, and from his employment as principal moonshy in the Persian Translator's Office.

The allowances of Gholam Hussein are to cease from the 18th instant.

I am, &c.

Fort St. George, 21 January 1803. (signed) *John Chamier,*
Chief Secretary to Government.

DIARY to Fort St. George Political Consultations, 26th January 1803. Vol. iii., p. 172.

Sent a letter to the Nabob (entered in C. C., No. 6).

To his Highness *Azeem-ul-Dowlah,* Bahadur, Nabob Soubahdar of the Carnatic, &c.

May it please your Highness,

I HAVE had the honour to receive your Highness's letters of 30th December and 7th ultimo, and am greatly concerned that any circumstance should have occurred to disturb the composure of your Highness's mind.

It will be satisfactory to your Highness to be informed, that I perfectly coincide in your opinion of the unworthiness of Shah Sawar Jung to participate in your Highness's bounty, and have directed the payment of his pension to be discontinued at the Treasury.

I am willing to believe that the late seasonable effort of resolution manifested by your Highness in the punishment of Shah Sawar Jung will effectually secure the Nabob of the Carnatic from the recurrence of similar effrontery.

I have already received your Highness's acknowledgments for having effected the temporary enlargement of Abdul Mahbood Khan; and I have it in contemplation to make such further immediate arrangements as may be practicable, for the purpose of preventing the occurrence of a similar event to any person under your Highness's protection who may be deemed to be exempt from the jurisdiction of the law of England. With this view, I request your Highness to transmit to me a certificate under the seal of your Government, describing the station of Abdul Mahbood Khan in the Wallajahi family, together with a list of such persons as may be considered by your Highness to be entitled to the privilege of exemption.

I have, &c.

Fort St. George, 1 February 1803. (signed) *Clive.*

1803, Papers, vol. iii., p. 173.

These proceedings above referred to led to the Governor in Council issuing the following remarkable and most important declaration:—

Declaration that Nabob an independent Prince.

We, the undersigned, the Governor in Council of Fort St. George, do hereby certify, that the Nabob Wallajah Ameer-ul-Omrah Madar-ul-Mulk Ameer-ul-Kind Azeem-ul-Dowlah Anwer-ul-Deen Cawn Bahadur Showhilt Jung, Sepah Solar Soubdar of the Carnatic, is *acknowledged and recognised by our said Government as an independent Prince, the soubadar of the Carnatic Payen Ghaut, and an ally of our said Government;* and we do further certify, that from the year 1768 hitherto, his late Highness the Nabob Wallajah, his late Highness Omdut-ul-Omrah, and his Highness the said Azeem-ul-Dowlah, being successively soubadars of the Carnatic, and allies of the Government of Fort St. George, have severally, with their respective families, resided, and his Highness the said Azeem-ul-Dowlah doth now reside, with the approbation of the Government of Fort St. George, near Madras, and within the territories dependent upon the side of Government, for the purpose of carrying on, in concert with the Government of Fort St. George, the common and united interests of the said Government, and of the said several successive soubahdars of the Carnatic Payen Ghaut, as such allies.

(signed) *Clive.*
Wm. Petrie.
Fort St. George, 1st February 1803. *M. Dick.*

1803, Papers, vol. iii., p. 155.

Extract Political Letter from Fort St. George, dated 22 February 1803.

5. The many applications from the Nabob for pensions to be paid from his proportion of the revenues, to such of the dependents of his family for whom no maintenance had been provided under the Treaty of the Carnatic, do not by any means form the least pleasing part of his Highness's correspondence with our President.

6. Among other instances of his princely disposition in this respect, it is necessary that we notice, for your information, his resolution to discharge the arrears of pay due by the late Nabob to Mr. John Batley, a respectable European, employed by his present Highness as a private secretary, and who has been employed for the period of 25 years in the service of the family.

7. It is necessary for us to specify this act of generosity, in order that if the debt in question shall ever be acknowledged by your Honourable Court to be included in the adjusted debts of their late Highnesses the Nabob Walajah and the Nabob Omdut-ul-Omrah, and consequently to be charged on the revenues of the Carnatic, you may, at the same time, take into your consideration whether the amount ought not to be repaid to his Highness the Nabob Azeem-ul-Dowlah, who has in fact redeemed, at his own expense, that part of the floating debt.

8. While we dwell with pleasure on this feature of the Nabob's character, we state to you, with regret, that his Highness has experienced, in some instances, from the inferior branches of the family, a conduct very different from that to which he was entitled both as the head of that family and *as the Sovereign of the Mahomedans in the Carnatic.* We shall by all means inculcate this mode of conciliation and forbearance on the part of his Highness; but the pertinacity with which some members of the family adhere to their opposition, and to the vain hopes encouraged by their private agents in Europe, appears to render it necessary that the means provided by us, for securing the respect of these dependents, should be permitted to operate for the purpose of checking insolence and disaffection to the Nabob. A recent case of this kind having occurred, in which Shah Sawar Jung, one of the supposed illegitimate sons of the late Nabob Omdut-ul-Omrah, avowedly threw off obedience to his Highness Azeem-ul-Dowlah, his Highness signified to us his intention of removing him from the palace of Chepauk, and his wish that the payment of the separate stipend, granted with his Highness's concurrence to this Prince, should be suspended.

9. As this appears to be the only practicable mode by which the resistance of the inferior members of the family to the elevation of the Nabob Azeem-ul-Dowlah, and their personal disrespect to his Highness, can be diminished, we have concurred in his Highness's wishes on this question, and have accordingly suspended the payment of the stipend until a better consideration of the circumstances attached to their respective relations shall have induced Shah Souver Jung to restore himself to the favour of the Nabob.

16. In consequence of our former representations on the subject, we trust that your Honourable Court will have taken into consideration the serious inconveniences to which his Highness the Nabob may be exposed from the difficulty of defining his situation as a *Sovereign Prince,* residing, with the whole of his family and the officers of his state, within the jurisdiction of a British court of law.

17. This question has been in some degree agitated by an instance which has recently occurred, in the arrest and imprisonment for debt of Abdul Mahbud Khan, an uncle of his Highness, and a son of the Nabob Mahomed Ally. The distress occasioned to the Nabob by

by this event is forcibly described in a letter from his Highness to our President, complaining of the indignity, and in the minute recorded by his Lordship on submitting that letter to our notice.

18. We beg leave to refer you to the minute of our President for the nature and result of his Lordship's communications on this occasion with his Majesty's Chief Justice, who, having declined to deliver extra-judicially his opinion on the subject, we have, in conformity to Lord Clive's suggestion, instructed the law officers of the Company to move the Court to discharge the proceedings in the action commenced against Abdul Mabud Khan, on the plea of his supposed privileges as a member of the family of the Nabob.

19. The Advocate General has obtained a rule to show cause in the present case, and we shall apprise your Honourable Court of the issue. In the meanwhile it is obvious that the situation of the Nabob and of his Highness's family is so singular as not to be included in the usual interpretations of public law; and, on the other hand, the faith of the Executive Government is pledged by a treaty to secure to the Nabob his rights and immunities *in the same full and ample manner as they have heretofore been enjoyed by his Highness's predecessors, Nabobs of the Carnatic.* But unless all doubt shall be removed from the interpretation of the law of England with respect to these rights and immunities, it is manifest, from the extent of the Nabob's family and dependents, that it will be impossible to prevent similar instances of offence to his Highness's feelings, under the operation of the law as it now stands. We therefore request, in the most urgent manner, your attention to the subject, in order that means may be applied to the removal of the difficulty, if you shall judge it expedient, by applications for the interference of Parliament.

20. Our anxiety with respect to the immediate event of this question is considerably relieved by our reliance on his Highness's uniform moderation, and on his undiminished confidence in the protection and honour of the British Government.

21. We have the honour to inform you that, conformable to the principle already explained to your Honourable Court, the Rajah of Travancore has paid to his Highness the Nabob, as the Sovereign of the Carnatic, the sum of 2,266 pagodas and 15 annas, in full discharge of the peishcush and Cape Comorin nuzzeranah, due to his Highness for the preceding Phuzely.

Increase of revenue not object of treaty;

The arrangements with the Nabob, which had been so long anxiously desired, and were at last effected by the Treaty of 1801, had apparently no other object in view than the "*preservation*" and "*security*" of the rights; in other words, the payments or obligations then existing, for which the Nabob had become bound to the Company. It was not only *without the object* of acquiring *increased revenue*, for not a word on the subject of increase is breathed through their whole previous correspondence, but the treaty with Azeem-ul-Dowlah was entered into without the *expectation* of increase, at least immediately, as will appear from the following Despatch:—

and not anticipated.

EXTRACT from Letter from Governor General and Governor in Council of Fort St. George to Secret Committee of the Court of Directors, dated 3 August 1801. 1802, Papers, p. 81.

THE calamitous impoverishment of every source of wealth and population, *of which the causes have been repeatedly stated to your Honourable Committee*, leaves no immediate expectation that the net revenues of the Carnatic will exceed the sum of 19 lacks of star pagodas. (This fund, it is mentioned, after providing for expenses of Nabob, &c., and payment of debt, will afford a sum probably not exceeding nine lacks of pagodas for defrayment of charges of defence).

19. That sum exceeds, by a very small amount, the proportion of the revenue which the province of Tanjore contributes to the general exigencies of the State, and bears a very inadequate proportion either to the expense of defending the Carnatic, or to the rate of assessment levied for the public protection in every other part of the territories subject to this Presidency. The present deduction of six from fifteen lacks of pagodas is, therefore, so disproportioned to the present revenues of the Carnatic, that we can indulge no very sanguine hope of *an immediate augmentation* of our pecuniary resources from the administration of the civil government of the Carnatic. *The progressive decline of the revenues of the Carnatic* may be considered to have approached that stage at which your Committee have been prepared to expect the entire failure of the Nabob's Government, and, under the existing engagements, the *augmentation of our resources must be proportioned to the gradual restoration of the wealth and prosperity of the country:* every consideration, therefore, of the actual expense of protecting the extensive provinces of the Carnatic, every view of the indispensable necessity of maintaining an adequate military force for the defence of the British possessions in the peninsula of India, and every motive of attention to the alarming pressure on the finances of this Presidency, required Lord Clive to establish, by the present treaty, the best possible security for the more adequate application in future of the public revenues of the Carnatic to the exigencies of the public service.

20. We feel great pleasure in congratulating your Honourable Committee on the completion of an arrangement which has *at length secured the British interests in the Carnatic on the solid basis of territorial possession*, and which is at the same time calculated to confirm the reputation of our national magnanimity, generosity, and moderation. We have no doubt that your Honourable Committee will concur in our sentiments, that the negotiation which has terminated in the accomplishment of these important objects has been conducted in a manner consistent with the liberal policy of the nation, unbiased by the adventitious advantage which might have been derived from the early *excitement of a competition*, founded on the variety of adverse interests dependent on the determination of the British councils.

We have the honour to inform you that, in conformity to the terms of the treaty, the installation of the Nabob Azeem-ul-Dowlah was completed on the 31st ult., accompanied with every demonstration of public respect, supported by every possible degree of splendour, and confirmed under the observance of the most formal procedure.

We have, &c.

Fort St. George, 3 August 1801.

Expectation disappointed.

In this expectation the Company were agreeably disappointed. In a letter from Lord Clive to the Court of Directors, of date 21 February 1803, his Lordship, after referring to the statement furnished by the Accountant General for the purpose of adjusting his Highness the Nabob's proportion of the revenue from the 1st August 1801 to 12th July 1802, says—

1803, Papers, vol. iv., p. 184.

Pecuniary resources of Presidency largely increased by treaty.

37. Your Honourable Court will have the satisfaction of observing, from the preceding detail, that the pecuniary resources of this Presidency have been *augmented by the Treaty of the Carnatic, in the first year of its operation, to the amount of* 7,94,074 *star pagodas*, or 317,629 *l. sterling, independently of the improvement of the territorial resources, and of the tranquillity of the empire obtained by that treaty.* It is impossible that the arrangements adopted by me for the attainment of those important objects should not partake the injurious consequences which my authority has sustained from the effects of your late orders regarding my government; but having made every practicable effort to mitigate the effects of those causes, I encourage a reasonable expectation, that the beneficial operation of the Treaty of the Carnatic will not be less extensive during the second than during the first year; in that event the arrangement already carried into effect for the purpose of commuting the military service of the Western Poligars for pecuniary tribute will add the sum of 1,78,000 star pagodas, or 71,200 *l.* sterling per annum, and extend the augmentation of pecuniary resource under the Treaty of the Carnatic, in the most limited point of view, to the annual sum of 9,72,074 star pagodas, or 388,829 *l.* sterling.

129. The Treaties of Tanjour and the Carnatic have for ever removed the causes of internal solicitude which have flowed from the distractions of a divided Government.

This statement is so much at variance with the expectation, that, looking to the grounds of the expectation, it is not unreasonable to infer that the management of the Nawaub was not so very "calamitous" as it was thought or said to be.

Lord Castlereagh, on the 29th July 1803, in laying his India Budget before Parliament, mentioned the increase to the revenue from the Carnatic derived from the treaty with Azeem-ul-Dowlah, in a paragraph which is of some use, as corroboratory of what has been already advanced with regard to the object, and will afterwards be said as to the effect, of this treaty.

Asiatic Reg., 1803 (Proceedings in Parliament), p. 150.

It was long the subject of regret that the stipulations of the Treaty of 1792 were not found adequate to the end designed by them. The necessity of a modification, and the attempts to induce the late Nabob Omdat-ul-Omrah to accede to a revision of that treaty, have been several times stated to the House. Though the stipulated payments to the Company were not often suffered to fall into arrear, the means resorted to for making them were such as *must ultimately have destroyed every source of revenue*, independently of their being the constant cause of evils of a very extensive description. The several measures pursued subsequent to the death of the Nabob Omdat-ul-Omrah, the placing the present Nabob on the musnud, and the treaty with him, are detailed in the papers formerly laid before the House.

This treaty was executed on the 31st of July 1801. Under it the evils of *a divided government* are removed; the inhabitants of extensive districts enjoy the same advantages as the other subjects under the Company's government; and *the Nabob receives a share of the revenues, fully adequate to the maintenance and support of his splendour and dignity.*

The pecuniary advantages to the Nabob are certainly considerable; those to the Company are already felt; and every probability exists, from the experience of the short time the affairs of the Carnatic have been under the exclusive management of the Madras Government, that those advantages may be still further extended, without prejudice to the prosperity and welfare of the country. The result of the first year has been favourable, the net revenue exceeding the estimate in 36,187 pagodas, or 14,475 *l.* The gross collection of the whole of the revenues of the Carnatic, including those of the Poligar countries, amounted in this year to 30,90,339 pagodas, or 1,234,136 *l.*, which exceeds the highest estimate given by Sir Archibald Campbell in 1787. After making the several deductions for the charges of collection, and for the approbations under the treaty, as liquidation of debts

debts to private creditors, payment of the stipulated fifth to the Nabob, and pensions to his family—the remaining surplus payable to the Company's Treasury is 15,72,877 pagodas, or 629,151*l.*, which *exceeds the subsidy paid by the late Nabob in the sum of* 6,72,876 pagodas, or 269,150*l.*—an increase of resource the more satisfactory, as it arises from the superior management of the collections in the Company's hands, *and is attended with no real sacrifice of income on the part of the Nabob*, whose fifth of the net revenues, relieved as his Highness now is (under the late treaty) of that debt which so heavily pressed upon his predecessors, considerably exceeds the clear income which the Carnatic could possibly have produced to the Nabob, had the revenue continued under the defective and oppressive management of his Highness's officers.

This large increase continued afterwards not only to be maintained, but augmented; it may not be possible to state to what extent. But whereas in 1769 the revenues of the Madras Presidency amounted to only 404,530*l.*, they now exceed 5,000,000*l.* And whereas at and after the treaty the revenues of the Nawaub and of the Carnatic were estimated at little more than 1,000,000*l.*, the land revenues alone now amount to about 3,600,000*l.* If all this increase is attributable to the treaty, the English Company had much reason to be pleased with the bargain they had made.

A Government Gazette Extraordinary, issued on 3d August 1819, announced the death of his Highness Azeem-ul-Dowlah, on the previous evening:— Azeem-ul-Dowlah's death.

The funeral of the late Nabob of the Carnatic took place yesterday at noon; the ceremony was conducted with appropriate military honours; the flag at the Fort St. George was hoisted half-mast high the whole day. Minute guns, the number corresponding to the age of his Highness, were fired from the saluting battery when the procession began to move. Asiatic Journal, 1820, p. 79.

Several traits of the excellent character of the Nabob have appeared in the Despatches already quoted from. On this occasion it was mentioned—

The late Nabob was raised to the musnud on the 31st July 1801, and, during the whole period of his holding that elevated situation, the conduct of his Highness was distinguished by the most loyal attachment to the Honourable the Company. The loss of this benevolent Prince is deeply lamented by the Government, by the members of his illustrious family, and by his numerous dependants. Government Gazette, Aug. 4th.

Azum Jah, the eldest son of the deceased Nabob, was, on 11th September 1819, proclaimed his successor "in the rank and title of Nabob Soubahdar of the Carnatic." There had been no question as to the right of Azum Jah to succeed to the rank and title of Nabob, but some doubt had been thrown out as to whether he did not require to renew the treaty; in consequence of which the Government Agent, on 13th December 1819, wrote to his Highness, conveying the opinion of the Governor General that a new treaty was unnecessary, as he considered his Highness to be *ipso facto* a party to the treaty concluded with his father in 1801. Succeeded by Azum Jah.

The installation took place upon 3d February 1820. Installation of Azum Jah.

The troops in garrison were paraded at an early hour, and, with the horse artillery from St. Thomas's Mount, formed a street leading to Chepauk Palace. Shortly after eight o'clock the Right Honourable the Governor, accompanied by the Honourable the Chief Justice, his Excellency the Commander in Chief, the members of the Council, the Honourable Sir E. Stanley, and other functionaries of the Government, proceeded to Chepauk, escorted by the body guard, and was received by the Nawaub Azum Jah, in the grand saloon of the palace. His Highness was here invested by the Right Honourable the Governor with the various insignia of his elevated station; he was then conducted to the foot of the musnud. The Right Honourable the Governor thereupon addressed his Highness, and in the course of his address said, "It is with infinite satisfaction I have the honour to congratulate your Highness upon your ascending the musnud *in the direct line of hereditary succession to your late father*, of blessed memory. By virtue of the treaty concluded on the 31st of July 1801, between the Nabob Azeem-ul-Dowlah and the Honourable East India Company, a princely income was secured to your much lamented parent, together with the enjoyment of certain privileges and immunities attached to his elevated rank. Under the sanction of the Most Noble the Governor General, and your acknowledgment of the validity of the treaty, its stipulations are now declared to be equally binding upon your Highness, as they were upon the late Nabob and the British Government." Asiatic Journal, 1820, p. 389.

His Highness Azum Jah died on 12th November 1825; he left an only son, Gholam Mahomed Ghouse Khan. This son succeeded him in his rank and title; Death of Azum Jah.

Succeeded by his son Gholam Mahomed Ghouse.

title; but, being an infant, his uncle, his present Highness Prince Azeem Jah, next heir to the throne, was invested with the regency. The accession was thus mentioned at the time:—

Asiatic Journal, 1826, p. 793.

"His Highness Gholam Mahomed Ghouse, only son of his late Highness Auzum Jah Bahadur, was, on the 23d December, proclaimed successor to his deceased father in the rank and title of Nabob Soubahdar of the Carnatic. During the minority of the Nabob the affairs of the Durbar will be conducted by his Highness Azeem Jah Bahauder, brother of the late Nabob, with the title of Naib-i-Mooktar."

Death of Gholam Mahomed Ghouse.

His Highness Gholam Mahomed Ghouse Khan died upon the 7th day of October 1855, without issue; and his uncle, the present claimant, Prince Azeem Jah, is, according to Mahomedan law and custom (as in English law also), entitled to succeed the late Nawaub as heir, representative, and successor, in all his rights, titles, dignities, revenues, and property, as Nawaub of the Carnatic.

Prince Azeem Jah entitled to succeed.

No other claimant exists: and it may be mentioned that his Highness, who is the second son of his late Highness Azeem-ul-Dowlah, is also the nearest heir and representative not merely of his father, but of his great-grandfather, Mahomed Ali, of his grand-uncle, Omdut-ul-Omrah, and of Ali Houssain, his father's cousin.

Previous to the death of Gholam Mahomed Ghouse Khan, Prince Azeem Jah had invariably been treated, both privately and officially, as successor to the musnud.

Objection made.

It was not till after the death of his nephew that he received any intimation that there would be objection to his succession. The manner in which this objection was first hinted at and afterwards announced, with the procedure which took place, are set forth in the petition of his Highness.

The following was the memorial which he submitted to the Honourable the Court of Directors:—

To the Honourable the Court of Directors of the East India Company, &c. &c.

Honourable Sirs,

I HAVE the honour to bring to the notice of your Honourable Court, that his Highness Gholam Mahomed Ghouse Khan Bahadoor, late Nawaub of the Carnatic, having deceased on the 7th October 1855, without issue, in consequence of which, being the second son of his Highness Azeemood Dowlah by his first Shadee Begum, I stand in the position of heir and successor to his late Highness, who was my nephew, he being the son of my elder brother Prince Azum Jah, according to the custom and law of Mahomedan succession.

2. That on the 10th October I notified the demise of the late Nawaub to the Government Agent at Chepauk, whom I desired to bring to the notice of Government my claim to my late nephew's succession under the Treaty of 1801, concluded between the Honourable East India Company and my father, the said Nawaub Azeemood Dowlah; and, on the 19th November, I was informed through the same channel that the Government decline to recognise my claim as successor to his Highness the late Nabob of the Carnatic, and the whole question in regard to the vacant musnud will be reported by the next mail to the Honourable the Court of Directors for their consideration and orders.

3. That although extremely regretting the Government of Madras should have declined acknowledging my rightful claim, I am nevertheless confident in the assurance that the reference to your Honourable Court will eventuate in my favour, from the circumstance that my right to the succession has been already officially acknowledged and recorded by your Honourable Court in a public letter to the Madras Government, dated the 14th January 1829, in reply to a communication from that authority, notifying the appointment of Dr. Scott as physician to the durbar of the Nawaub, now recently deceased, and my appointment as a Naib-i-Mooktear to my infant nephew; and wherein your Honourable Court express your approval of the former proceeding, on the ground of the Naib-i-Mooktear being the next heir in case of his demise, which event having now taken place, I cannot doubt but that, in the judgment and decision of your Honourable Court, I must be duly and regularly admitted as the next heir, and consequently indisputably entitled to the succession to the musnud thus rendered vacant by my nephew's decease; and your Honourable Court being in this case the paramount authority, it is hardly necessary for me to advert to the more recent recognition of my claim by the Most Noble the Marquis of Tweeddale, Governor in Council of Fort St. George, in the year 1843, who, in a Minute having reference to the exemption list of the relatives of his Highness the Nawaub, ordered a remarkable alteration to be made in that list, with the following remarks:—"His Lordship in Council observed that Prince Azeem Jah Bahadoor (the late Naib-i-Mooktear) does not hold that place in List No. 1, to which he is entitled in consideration of the position he has lately occupied in communication with the British Government, and that which he still holds in relation of his Highness the Nawaub, and to his succession to the musnud. It is therefore resolved that the name of Prince Azeem Jah

Jah Bahadoor be placed first in the list of the male relations of his Highness the Nawaub."

4. That although the above acknowledgment recorded by your Honourable Court, and thus acted upon by your Government of Fort St. George, is amply sufficient to establish the claim I have advanced, I beg leave to make a slight reference to the conditions of the Treaty of 1801, entered into with my father, the Prince Azeemood Dowlah, when the right of succession was transferred from the family of Nawaub Omdut-ool-Omrah to the said Prince Azeemood Dowlah, the founder of that branch of the family, of which I am the present heir and representative.

5. That by the first article of this treaty the Prince Azeemood Dowlah is formally established in the state and rank (with the dignities dependent thereon) of his ancestors, heretofore Nawaubs of the Carnatic; one essential part of that dignity being, that the succession to the said state and rank is hereditary, having been so specified in the altumgah of his majesty the Emperor of Delhi, granted to the Nawaub Wallajah, whose father, Anwar-u-Deen Khan, was the original Nawaub and Souhbahdar of Arcot.

6. That by the second article of the treaty it is declared by and on behalf of both the high contracting parties, that such parts of the treaties heretofore concluded between the said East India Company and their Highnesses, heretofore Nawaubs of the Carnatic, as are concluded to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are thereby renewed and confirmed; and as the treaties alluded to are declared to be binding on the heirs and successors of both the contracting parties, and as the interests of one of those parties at least, and his heirs and successors, is inseparably bound up with the continuance of the said rank, state and dignities, I cannot but conclude, that although the Madras Government has temporarily declined to acknowledge my claim to the succession, yet, my title thereto is too clear and too strong to admit of question, and therefore will be honourably recognised and confirmed by your Honourable Court; and the more readily, as your Honourable Court's admission of the validity of such title has been placed on the public records of the State.

7. That as a proof that the Government of India consider the provisions of the treaty as descending along with the succession to the heirs of the Nawaub, I beg to quote an extract from a letter of the Government agent to my brother, the father of the late Nawaub, dated the 13th December 1819, conveying the opinion of the Governor General in the following terms: His Lordship conceives a new treaty between his Highness and the Company to be unnecessary, as he considers his Highness to be *ipso facto* a party to the treaty concluded with his father in 1801; whence it follows that, as the predecessor of the late Nawaub was a party to the treaty, as the heir of Nawaub Azcemood Dowlah, the late Nawaub was also a party to it, as the heir of Nawaub Azum Jah; and, consequently, in virtue of my heirship to my nephew, I must likewise be considered a party to the Treaty of 1801, and associated with its provisions.

8. That by the fourth, fifth and sixth articles of the treaty, the contracting parties stipulate and agree on the interchange of reciprocal advantages as follows: That the British Government shall, in virtue of this document, assume the administration of the civil and military government of the Carnatic, with a right to all the revenues thereof, save and except such portion of the revenues as shall be appropriated for the maintenance of the Nawaub, and the support of his dignity, and that of his immediate family; the precise amount of which is declared to be one-fifth part of the net revenues; and I beg respectfully to urge the observation, that the mutual advantages thus detailed are the result of the distinct stipulation and agreement with the averment of which the fourth and fifth articles are headed and commenced, their validity on both sides being established by the joint and mutual consent of the contracting parties, neither of which can be competent to make any alteration in them without the concurrence of the other.

9. That the revenue assigned for supporting the dignity of the Nawaub and his family is as firmly and irrevocably guaranteed and secured in its full integrity to the heirs of the said family, as the administration of the Carnatic and the appropriation of the rest of its revenues are to the heirs of the East India Company, the former being assigned by the tenor and language of the treaty as the equivalent for the latter; and only so long as the said stipulation and agreement retains its force with regard to the former engagement, can it pass any force with respect to the latter, and as long as the East India Company continues to possess and enjoy the administration and revenues of the territories of the Carnatic, so long are the Company bound by every consideration of good faith and honest dealing, of British honour and national morality, to abide by the terms of the treaty under which these superior advantages have been acquired, and continue to be retained by them.

10. Having thus detailed my reasons for considering that the Treaty of 1801 justifies and upholds my claim to the musnud of the Carnatic, and that my construction of the treaty, as establishing the hereditary right to it in my family, has been adopted and officially recorded by the Governor General to your Honourable Court and the Government of Madras—for these several recognitions I conceive are based on the conditions and tenor of the said treaty. I will lastly refer to the recognition of his late Majesty, King George the Third, in a short quotation taken from a letter addressed by his Majesty to the Nawaub Azeemood Dowlah, my father, "Dated at Our Court at St. James's the 27th day of January 1804, and in

the 44th Year of Our Reign.—We congratulate your Highness on your accession to the musnud of your ancestors, on which may you long remain with honour and happiness. Your Highness may be assured that We shall seize every occasion of affording you proofs of regard, and of continuing to your Highness and to your family Our especial friendship and protection."

11. That, if your Honourable Court could be induced to coincide with the apparent object of the Madras Government in setting aside the Treaty of 1801, and your own unambiguous recognition of my title in the public Despatch above quoted, no other alternative appears to remain to your Honourable Court than that of reducing the present descendants of the Prince with whom the treaty was contracted, by which the East India Company have obtained the wide territories and rich revenues of a valuable portion of British India to the miserable, degraded, and uncertain position of helpless pensioners on the precarious bounty of the Government, a condition which it was the desire and intention of Lord Clive and the Council of Madras, during whose administration the treaty was framed and concluded, to prevent and avert, and who, with reference to this particular arrangement, observe in their Despatch to the Secret Committee of your Honourable Court, dated the 3d August 1801-15. The mode of providing for the support of the dignity of his Highness the Nawaub Azeemood Dowlah is conformable to the principles on which the alliance between his Highness's family and the Company has been received and established. By these means the interests of his Highness will become united with those of the Company in the general prosperity of the Carnatic; and, while the actual security of the British interests provided by the present arrangement remains undiminished, the mode of supplying a fund for the expenses of the family in the manner suitable to its rank and to the dignity of the British Government, by the allotment of a proportion of the public revenues for that purpose, is entirely relieved from the degrading name and appearance of a stipendiary maintenance.

12. That I have made use of the above arguments on the supposition that the objection of the Government is referrible only to the tenor of the Treaty of 1801; but as it is within the range of possibilities that a second objection may be advanced under the idea that the uncle cannot be his nephew's successor according to Mahomedan law, as he can be by the laws of Europe and Christianity, I beg to adduce an instance to the contrary, of the recent date of 1837, in which year Nusserood Deen Hyder, the King of Oude, was succeeded by Nusseerood Dowlah, his uncle, the grandson of whom is the present King, both having succeeded to the throne with the knowledge and sanction of the Supreme Government.

That having thus argued the propriety of my claim as based upon the treaty and the attestations of your Honourable Court and the Governor in Council of this Presidency, and shown that the Mahomedan custom and law are in support of it, as well as British law and practice, I finally commend myself and my claim to the generous and favourable consideration of your Honourable Court, and have the honour to subscribe myself.

The following is the Despatch containing the Directors' decision. It reads a little strangely after a perusal of the foregoing statement, from which the facts as they really stand, appear. There is, however, every excuse to be made for the obvious mistakes in point of fact into which the Honourable Court of Directors have fallen, in the circumstance of the distant dates of the transactions to which they refer, and in the view of the large and confused mass of material out of which the facts have to be gathered :—

1. The Govèrnor General's letter in the Foreign Department, dated 14th November 1855, and the political letters from the Madras Government, dated the 12th October, the 20th November, and the 4th December 1855, report to us the death, *without direct heirs*, of his Highness Mahomed Ghouse, Nabob of the Carnatic, and communicate the views of the Governor General and of the Governor in Council at Madras respecting the consequences of that event.

2. In the opinion both of the Governor General and of the Madras Government, the dignity of the Nawaub of the Carnatic has expired; the treaties between the British Government and the successive heads of the family of Wallajah are at an end; the British Government are under no obligation to recognise any person as successor to the rights hitherto enjoyed under those treaties; and expediency being wholly against such recognition, these authorities are unanimously of opinion that it ought not to take place.

3. We have carefully examined the past history of the relations of the British Government with this family, and have bestowed on the important question referred to us the earnest deliberation due to all questions which can be supposed to involve considerations of public faith.

4. We find that when, in 1801, the representative of the junior branch of the family of Wallajah was placed on the musnud by the act of the British Government, a formal announcement was made to the following effect: The conduct of the two previous Nawaubs, Walajah and Omdut ul Omrah, had placed them in the position of public enemies of the British Government; that all antecedent right of the family had been forfeited; and that the Nawab Azeemood Dowlah was solely indebted for his titular sovereignty, and for the

the pecuniary and other rights annexed to it, to the grace and favour of the British Government.

5. We find that Azeemood Dowlah fully acknowledged this fact; and that the original draft of treaty prepared by the Madras Government having contained words implying that the British Government did not confer a new, but recognised a pre-existing right, those words were, on that express ground, by the desire of the Marquis Wellesley, struck out, and others substituted which did not contain that implication.

6. The rights of the family being thus derived from the Treaty of 1801 are necessarily limited by its terms, and those are exclusively personal to Azeemood Dowlah. There is no mention in the treaty of heirs and successors, nor any stipulation respecting descendants. Two successions, indeed, have since taken place, but on each of these occasions the question was regarded and treated as one subject to the decision of the British Government. On the first of these occasions the Governor General acknowledged the son of Azeemood Dowlah as his successor in the mark and title of Nawaub of the Carnatic; but the meaning of that ambiguous term was cleared up by the declaration, His Excellency is pleased *to resolve* that the pecuniary provisions of the Treaty of 1801 shall remain in force. On that last vacancy the family were expressly informed that "*it is the intention of Government* that the late Nawaub shall be succeeded in his state and dignity by his infant son." It was thus distinctly held that the Government might have refused its assent to the succession even of a direct heir, and on the present occasion there are no direct heirs.

7. In the circumstances, there cannot be any obligation on the British Government to continue the provisions of the Treaty of 1801 in favour of any collateral relative of the deceased Nawaubs; while, in the absence of obligation, we entirely agree with the Madras Government in the opinion, that it would be highly inexpedient to do so. Such titular sovereignties, and the exemption they are held to confer from the common operation of the law, are always an evil, and in the present case their effect has (as was truly observed by Lord Harris) been morally most pernicious, "not only by favouring the accumulation of an idle and dissipated population in the chief city of the Presidency," but by the scandalous want of principle evinced in pecuniary matters, both by the late Nawaub and by his uncle, Azeem Jah, the nearest collateral relative.

8. Azeem Jah has addressed to us a memorial, in which he professes to consider his right to the musnud as having been admitted by the Madras Government and by us. He cites with this view an expression in the resolution of Government in 1843: "The position which he holds in relation to his Highness the Nabob, and to his succession to the musnud;" and a passage from one of our letters to the Madras Government, dated 14th January 1829, in which he is spoken of "as the next heir," in case of the Nabob's demise. The subject then before us was not the succession to the musnud, but the appointment of a physician to the young Nabob, and we had no intention whatever of entering into the question, what might be Azeem Jah's rights of inheritance. As the nearest of kin, we spoke of him as the heir to whatever could be legally derived from the Nabob by inheritance, but the Nabobship had never been considered by us to be heritable by heirs of right.

9. We, therefore, fully adopt the opinion of the Governor General and of the Madras Government, that the title and dignity of Nabob, and all the advantages annexed to it by the Treaty of 1801, are at an end.

The 10th and 11th paragraphs of the Despatch refer to the provisions proposed to be made for his Highness Prince Azeem Jah and the officers of the late Nawaub's household, and others, by way of allowances and pensions, and to the payment of the debts of the late Nawaub.

12 (and last para. of the Despatch). We perceive that, in the contemplation of the Madras Government, the palace of Chepauk will at once be at the disposal of the State as public property. Sir Henry Montgomery says that it was mortgaged, which might imply that it was considered to be private property. You will institute further inquiries upon this point; but, whatever may be the correct view of the subject, we do not wish to see the ladies of the Nabob's immediate family deprived, against their inclination, of the privilege of residing in that edifice; and the most liberal consideration should be given to any claims they may prefer to portions of the personal property contained in the building.

Such is the force of truth and justice, that the difficulty which is now to be experienced is in repressing the multitude of answers with which the reasoning of the Directors is at once met and overwhelmed. **Answer to Company's argument.**

The real question raised by the decision of the Directors is, whether "the dignity of the Nawaub of the Carnatic has expired." There are several points of view from which this question can be regarded.

I. Sovereignty not alienated.

I. In respect there was no transfer, by the Treaty of 1801, to the Company, of the sovereignty of the Carnatic; that sovereignty still subsists in the person of the present Nawaub, and cannot be terminated by the will of the Directors, without the exercise of an unwarrantable act of violent aggression against an unoffending and virtuous sovereign Prince.

Upon attending to the terms of the treaty it will be seen that all that is conveyed to the Company, or vested in them, is the administration of the civil and military government of the Carnatic. There is no conveyance, and it is not pretended that there is any, of the right of sovereignty; but it is now said that the right of the family had by an antecedent fact, viz., the alleged violation of a previous treaty, been forfeited. This is a most singular and startling doctrine. If true, it would involve this most alarming conclusion, that should at any time Her Majesty the Queen happen, whether wittingly or unwittingly, to violate the faith of any treaty with another sovereign, great or small, the Crown of Great Britain would, by such an act, be immediately forwarded to that other power, or, at best, would cease to exist. The proposition is so absurd as to require no refutation, but it may be proper to see how the matter in this case really stands.

No conveyance of sovereignty.

Said that right forfeited by violation of alliance.

Relative position of Nabobs and English.

The Nawaubs of the Carnatic were, and had been, past the records of their country, the sovereigns of that province—a territory which in extent was as large as the kingdom of England. The English, on the other hand, were foreigners, and necessarily therefore intruders. As foreigners they had no natural rights. Any they could or did enjoy, were those which the sovereigns of the country chose to allow. They had acquired no rights by conquest from the Nabob, because not only had he never been at war with them, but they had continually been close allies. Any rights, therefore, which they held, they had acquired either by the grant or good-will of the Nawaub, or by agreement with him, or by purchase; and not only were they not in the position of his superiors, but he was, in point of fact, in the position of the natural superior to them in his own country. Nor did his sovereignty suffer even derogation by the fact that the Company undertook, at his expense, to garrison his forts.

Vattel, ii., 12, 155.

Company's rights from treaty.

Any political rights which the Company held were rights derived from treaty. The treaty which was in operation at the time to which these remarks point was that of 1792. That treaty conferred certain specified rights of security upon the Company, in the event of the Nawaub failing to make payment of the sums for which he had become bound; but beyond this it contained no penalty. Nay, even the clause out of which it is said that so much mischief was to accrue from its violation, is literally silent as to the effect of violation. It simply runs, "And the said Nawaub agrees that he will not enter into any negociation or political correspondence with any European or native power without the consent of the said Company."

No penalty for violation.

Consequences of violation.

There being, therefore, no express or even inferential declaration as to what the effect would be of a violation of the treaty, and particularly of this clause of it, the rights of the parties fell to be regulated by the general law of nations. And here, that there may be no room for difficulty, it may be assumed in argument: 1. That there was a violation of the treaty: 2. That it was violated in a fundamental article: and, 3. That the Company were not bound to have demanded or allowed explanations. But, with all these admissions, the whole right which in the most aggravated point of view could arise, was that the Company would have been "at liberty to choose the alternative of either *compelling a faithless ally to fulfil his engagements*, or *of declaring his treaty dissolved by the violation of it*."

Vattel, ii., 13, 200.

Company did not assert what now maintained.

Case, p. 106.

Page 109.

Page 111.

Now, although there was a good deal of erroneous assumption for a purpose at the time, it cannot even be said that the Company either asserted or exercised the rights which are now said to have flowed from the alleged violation. A few references to the Despatches will show what they did assert. Thus, in the declaration of 31st July, all that is said is that the Nabobs have "thereby *forfeited all the benefits* of the said alliance," and "placed themselves in the condition of public enemies." In the Governor General's Despatch of 18th August, he says that the result was, that it had placed the soubahdar "in the situation of a public enemy," "had *annihilated the existing treaties*," "and had sanctioned the enforcement of *such measures* as the British Government might deem *necessary for the security of its rights and interests*, as connected with the Soubahdary of Arcot." Again, in

Lord

Lord Clive's letter in reply, his Lordship simply says that the "right acquired" was "to exercise discretion in the enforcement of such measures as might be deemed *necessary for the security of the rights and interests*" of the British Government, and that the Nabob had "stated his conviction that the rights of his Highness's family, *founded on its connexion with the Company*, had been annihilated." The plain meaning of all this is simply, that the alliance having been broken, the British Government were free to demand, and, if necessary, to obtain by force of arms, "security" for that which it deemed to be existing "rights and interests" in the Carnatic.

The expression attributed to his Highness is in precise accord with this view, as all that he says is that the rights founded upon the alliance were at an end. At another place his Highness himself says, "The terms of those engagements were *infringed*, and our whole house consequently involved in a situation *dangerous and alarming*." That was all.

The Company's view appears also from other expressions, such as designating the part which they took in the elevation of the Nabob, as lending him their "assistance and support," and "acknowledging" his accession.

Company attributed acquisitions to treaty.

But so far were the Company from alleging that they had acquired the right of sovereignty by virtue of a violation of the treaty, that they expressly attributed the acquisition of a right which could only have flowed from the sovereign, to treaty with the Nawaub. In the proclamation of 31st July this is repeated over and over again. It is there said, that "The Company have, by the treaty above-mentioned, acquired;" that the rights acquired were "by compact;" that the "trust" was "transferred to the Company by the present engagements;" and that the Nawaub "has divested himself by the treaty." This was equivalent to an admission of what was undoubtedly true, that, without recourse to arms, it was by compact alone that the Company had acquired, or could acquire, from the Nawaub any right in the Carnatic.

Sovereignty would not pass by inference.

Vattel, ii., 17, 305.

And here it may be observed, that such a right could not pass by inference or by anything but express grant, even if such grant would have been lawful. It was a right of a distinct, important, pre-eminent character, and could not be passed except *per expressum*. Nay, even in case of doubt, it would not have passed, and that upon the acknowledged rule in the interpretation of treaties, "that whatever tends to change the present state of things, is also to be ranked in the class of odious things, for the proprietor cannot be deprived of his right, *except so far precisely as he relinquishes it on his part*; and, in case of doubt, the presumption is in favour of the possessor."

Any right cut off by prescription.

Vattel, ii., 11, 141.

Ibid. sec. 147.

Assuming, however, that any right had passed or been acquired by the Company, by reason of the alleged violation of the treaty, that right must, in consequence of the lapse of time, be held to be lost or abandoned by the operation of the law of prescription. The consequence of neglect for such a length of time is, that "the law of nature will no longer allow" a person in such a situation "to revive and assert his claims;" "the law requires that every proprietor who, for a long time, and without any just reason, neglects his right, should be presumed to have entirely *renounced and abandoned it*. This is what forms the absolute presumption (*juris et de jure*) of its abandonment;" and this is a law which holds even more strongly between sovereigns or between nations, than between private persons, as will be afterwards pointed out.

Rights restored by revival of alliance.

Page 103.

Page 119.

But more conclusive even than the presumption of abandonment is an act of actual restoration or renunciation. In the present case, any rights which could by any possibility have emerged by reason of a violation of the treaty, were renounced or restored by the revival of the alliance.

The treaty itself bears to have been executed "with the view of reviving the fundamental principles of the alliance," and it is repeatedly mentioned in the course of the Despatches—as, for example, in the Declaration of 31st July—that the treaty was entered into "*for the express purpose of reviving the alliance* between the Company and his illustrious ancestors; and again, in the Declaration of 18th December, it is stated that Azeem-ul-Dowlah had made himself "the instrument of *restoring the foundation of alliance* with the British Government, and of the rank and dignity of this new illustrious family." By such revival it necessarily resulted that matters were restored to the position in which they were prior to the interruption of the alliance, except in so far as the parties had agreed to a change. This, however, trenches upon the next aspect of the case.

Nawaub's right fixed by treaty.

II. The Nawaub has right in virtue of express Treaty Agreement.

In considering this part of the case, which it may be necessary to do in some detail, it will first be shown that the right arises under the express terms of the treaty; and, second, that supposing doubt could possibly be entertained, there are a multitude of facts and circumstances which determine the question. It may here be observed, that the treaty in reality requires little application of the rules of interpretation, which are so distinctly laid down in Vattel's authoritative work on the Law of Nations. Justice and good faith are at the bottom of all such rules; but there is one rule, against the transgression of which interpreters require to be carefully on their guard: "That an evidently *false interpretation* is the grossest imaginable violation of the faith of treaties. He that resorts to such an expedient, either imprudently sports with that sacred faith, or sufficiently evinces his inward conviction of the degree of moral turpitude annexed to the violation of it. He wishes to act a dishonest part, and yet preserve the character of an honest man: he is a puritanical impostor, who aggravates his crime by the addition of a detestable hypocrisy."

Vattel, ii., 15, 233.

1. The Terms of Treaty.

Is treaty personal?

The Directors say, that the treaty is personal to Azeem-ul-Dowlah. If this view were sound, it would, as it will afterwards be shown, be the worse for the Company; but as his Highness Prince Azeem Jah has no intention of claiming that the treaty should be considered to have been personal, he will now proceed to show that it must be considered to be real, or descending and perpetual.

Not deducible from being concluded by Azeem.

Vattel, ii., 12, 184.

The writer of the Directors' Despatch has been obviously misled by observing that the treaty bears to have been concluded by Lord Clive on the one part, and by his Highness Azeem-ul-Dowlah on the other. But "we are not to conclude that a treaty is a personal one, *from the bare circumstance of its naming the contracting sovereigns*, for the name of the reigning sovereign is often inserted with the sole view of showing with whom the treaty has been *concluded*, without meaning thereby to intimate that it has been made with himself personally. This is an observation of the civilians Pedius and Ulpian, repeated by all writers who have treated of those subjects."

Page 102.

Who were the contracting parties.

This observation is so true, that upon reference to the treaty in question, it will at once be seen, that "*the contracting parties*" are the Company upon the one hand, and the "Nabobs of the Carnatic" upon the other; and that Azeem-ul-Dowlah's name is only brought in as indicating by whom the treaty was "*concluded*."

Circumstances in treaty showing not personal.

But there are various observations arising out of the terms of the treaty which are also destructive of the idea that it was a mere personal treaty with Azeem-ul-Dowlah.

1. Terms same as Draft Treaty with Omdut-ul-Omrah, Case, p. 101.

1. The terms of the treaty were, as already stated, identical, at least in substance, with the treaty which was proposed to have been entered into with the former Nawaub Omdut-ul-Omrah.

2. Same terms offered to Houssain Ally, p. 109.

2. It is stated in Despatches that "the same terms" were offered to Azeem-ul-Dowlah as had been offered to Ally Houssain.

These are external circumstances going to this, that the treaty could not be considered personal in that familiar sense of the term in which it is apparently used by the Directors.

3. Incorporation with previous treaty.

3. The second article of the treaty bore, "that such parts of the treaties heretofore concluded," "as are calculated to *strengthen the alliance, to cement the friendship, and to identify the interests* of the contracting parties, are hereby renewed and confirmed."

4. Treaty with successors.

Case, p. 63.

4. Flowing out of this clause there is an observation which, of itself, entirely nullifies the objection made by the Directors, that there is no mention in the Treaty of 1801 of heirs and successors, because by this article the Treaty of 1792 was, at least to the above effect, incorporated; and that treaty undoubtedly bore to have been entered into by Mahomed Ali, "for himself *and his successors*."

5. Treaty perpetual.

Page 102.

5. The treaty expressly bears, that it was executed for the purpose of "supplying the *defects* of all former engagements, and of establishing the connexion between the said contracting parties in all times to come."

6. The

6. The treaty declares that the full and exclusive "right to the revenues (*with the exception* of such portion of the said revenues as shall be appropriated for the maintenance of the said Nabob and for the support of his dignity) shall be *for ever* vested" in the Company. The *exception* must necessarily be as enduring as the *grant*. 6. Perpetual exception of provision to Nabob.

7. There is provision made in the treaty that a certain portion of the revenue should be *annually* allotted for the maintenance and support of the Nawaub. It is nowhere stated that this payment should cease at the death of Azeem ul Dowlah. There is, in fact, no period of termination either to this payment or to the rights of the Nawaubs. The whole structure of the treaty is evidently based upon the footing that it was to be a perpetual burden, and any attempt to reduce the treaty to a personal treaty with Azeem ul Dowlah, only leads to inextricable difficulties. Thus, the provision of one-fifth of the revenues for the maintenance and support of the said Nabob, and of his own immediate family, is obviously a provision in favour of the Nawaub for the time being, for the purpose of maintaining his state and dignity, and his own immediate family. But to construe the treaty into a personal one would lead to one of two results; either the provision wholly ceased upon his death, or it did not. If it did, then the royal family would then at once be bereft of all support from the revenues. If it did not, then it continues so long as any one member of the family survives, and that without diminution, although the royal dignity would, upon the supposition, have no longer to be maintained. When such alternatives are the result of construing the treaty into a personal one, it is clear that any such interpretation must be erroneous. 7. No period at which Nawaub's rights to terminate.

8. The treaty expressly bore that its object partly was "for *settling the succession*" to the soubahdarry of Arcot. This is repeated both in the title and in the preamble. 8. Object to settle succession.

Lastly, the express words of the treaty were, "The Nabob Azeem ul Dowlah is hereby formally established in the state and rank, *with the dignities dependent thereon*, of his ancestors, *heretofore* Nabobs *of the Carnatic*." 9. Azeem vested with state and rank of former Nabobs.

This expression is unlimited, and it can admit of no manner of doubt that its plain meaning is, that he succeeded to the state and rank of his ancestors in all their entirety, whatever that was. But one of those qualities which attached to that state and rank was, that it transmitted itself to his heirs or descendants; in other words, the right was hereditary. That the right was hereditary is abundently evident from all that has preceded. The earliest record of the Nawaubs commences with Sadatullah in 1710. He was succeeded by his adopted son Dost Ali, he by his son Sufder Ali, and he again by his son Saib Mahomed Khan. That family apparently was extinct at his death, but at all events Anwar-ad-Dien commenced a new dynasty. He was succeeded by his son Mahomed Ali; he again by his son Omdut ul Omrah, so that, throwing out of view the three sovereigns who have succeeded during the 54 years which have elapsed since the treaty was executed, there can be no question that at its date hereditary succession had been the rule. It had been so through seven Nawaubs, and for a period of at least 90 years. How much further back is not known, nor is it material, because "the right of succession is not always the primitive establishment of a nation; it may have been introduced by the concession of another sovereign, and even by usurpation. But when it is supported by long possession, the people are considered as consenting to it; and this tacit consent renders it lawful, though the source be vicious. It rests then on the foundation" "that alone is lawful, and incapable of being shaken, and to which we must ever revert." These Nawaubs had been not only acknowledged successively by the English, but the English had even recognised their right to appoint a successor. This was expressly admitted in the agreement with the Nawaub in 1781, and it was practically recognised by their transacting with Ally Houssain as successor appointed by the will of his father. But the hereditary right did not depend merely upon long possession and acknowledgment, it was, as has already been distinctly shown, a matter of express grant from the Emperor, the Nawaub's constitutional superior, and it would be impossible for the English Company to challenge either the power of the Emperor to make that grant, or its efficacy, because, as has also already been shown, they were instrumental themselves in obtaining it. Indeed, it may be held to be quite undoubted that in 1801, no one ever ventured to assert, or even to imagine, that the Nawaubship Hereditary right attached to state and rank of Nabob. Vattel, i., 5, 59. Case, p. 57. Pp. 96, 98, and 106. Page 49. Pages 44, 45, 46.

was not hereditary. And if so, it would be most unnatural to suppose that any person at that time understood that the succession was not to continue hereditary in the person of Azeem ul Dowlah. But it is truly of little consequence although they had supposed differently, because it is perfectly clear, that succeeding to the same "state and rank" as his ancestors, Azeem ul Dowlah was, by every rule of law and obvious interpretation, vested with a right which transmitted itself through him to his heirs and descendants.

Nothwithstanding the impossibility of getting over these plain facts, although it probably arises only from an ignorance of them, the Directors of the Hon. Company labour under the impression that the Nawaub was invested merely with a life interest in the Nawaubship—that he succeeded simply, in short, to a sort of life peerage. Of course, all this proceeds upon the erroneous assumption that the rights of the Nawaub were forfeited to the Company by the alleged violation of the Treaty of 1792, but it will now be proper to state a variety of,

2. Facts and circumstances.

2. Facts and circumstances proving that it was a real right of sovereignty with which Azeem ul Dowlah was invested.

These facts are so numerous, that they can only be mentioned with as little observation as possible.

1. Object of treaty.

1. The first of them which at once arrests attention is, that the *object* of the treaty was not to deprive the Nawaub of his sovereignty, but simply to obtain "security to the Company for their existing rights and interests" in the Carnatic. This has been proved to demonstration in the preceding part of this case, and it is equally clear that all the allegations about violation of treaties, and the consequences therefrom arising, were used simply *as a lever power* to attain the object at which the Company aimed; and accordingly the arrangement which was carried out in 1801 was in conformity with the spirit of the arrangements which the Company were desirous of making with the Nawaub at a time long prior to the date at which the documents were found which were said to have vitiated the alliance. Now, the "reason of the law or of the treaty, that is to say, the motive which led to the making of it, and the object in contemplation at the time, is the most certain clue to lead us to the discovery of its true meaning, and great attention should be paid to the circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case." The application of this rule in the present case is obvious.

Vattel, ii., 17, 287.

2. Expressions elsewhere used by Company.

2. It is evident, from expressions elsewhere used, that the Company had no intention, either by treaty or otherwise, of injuring the Nawaub, or of in any way affecting his status as a hereditary Prince.

In the first place, this is proved negatively by the absence of all expression indicative of any such desire or intention.

But it is proved positively by the use of language for the express purpose of guarding against the idea that the dignity was to be or had been infringed; and without going back upon the observations made on this subject relative to the previous Nawaubs, some of the expressions used in connexion with the transaction of 1801 may be adverted to.

One of these was what was stated by the Commissioners at their interview with the Khans on 16th July 1801. The Commissioners then made this most important statement to the Khans: "We therefore drew this conclusion, that the rank and dignity of the Nabob of the Carnatic *could not be injured* by extending the operation of that condition, and that the object of proposing an amicable adjustment instead of proceeding to exercise the rights acquired by the British Government, was manifestly founded on the desire of *preserving to the family the rank, dignities and splendour of the Nabobs of the Carnatic.*" And without adverting to other passages, attention may be drawn to the declaration by Lord Clive of 18th December 1801, in which, besides other expressions of similar import, his Lordship declared, and the declaration was of the more importance, seeing that it was addressed to natives of high rank, "when the Nabob Azeem ul Dowlah was raised to the rank of Nabob of the Carnatic, his Highness *succeeded to the rights of his illustrious ancestors, heretofore Nabobs of the Carnatic.*" The rule upon this subject is, "if he who has expressed himself in an obscure or equivocal manner has spoken elsewhere more clearly on the same subject, he is the best interpreter of his own words. We ought to interpret his obscure or equivocal expressions

Page 99.

Page 119.

Vattel, ii., 17, 284.

expressions in such a manner that they may agree with those clear and unequivocal terms which he elsewhere used, either in the same deed or on some other similar occasion."

3. In like manner, it is important to observe, that Azeem ul Dowlah's understanding of his rights was precisely the same as that given out by the Company. In his letter of 30th December 1802, he speaks of "the consideration due to my rank as a sovereign Prince, in conformity to the first article of the Treaty of the Carnatic, which secures to me the same rank, dignities, and immunities which were enjoyed by my venerable grandfather;" and in his letter of 7th January 1803, he repeats, "my honour and dignity is the same as that of my revered grandfather." 3. Expressions used by Nabob. Page 123. Page 124.

4. Of a kindred nature were the expressions used by the Company, indicating that it was not with Azeem ul Dowlah as an individual, but as the representative of *a family*, that the Company dealt. The following expressions may be referred to:—Lord Clive, 27th July 1801: "The gracious and conciliatory measure of establishing *a branch of the house* of Mahomed Ali." Lord Clive, 3d August: "The alliance between his Highness's *family* and the Company has been revived and established." Lord Clive, 18th December: "To preserve to that respectable *family* its ancient rank," for the preservation of the dignity of that respectable *family*." "The Nabob Azeem ul Dowlah has made himself the instrument of restoring the rank and dignity of this *new illustrious family*." Lord Clive to Nabob, 18th December: "*The re-establishment of the family in its rank*." 4. Company dealt with family. Page 101. Page 107. Page 118. Ibid. Page 119.

5. Nay, so clearly did the Company consider themselves to be dealing with the family, and not with an individual, that, in looking forward after the treaty to the future augmentation of their revenues, there is an entire absence of all reference to additional revenues falling in by the death of the Nawaub. "The augmentation of our resources," they say, "must be proportioned to the gradual restoration of the wealth and prosperity of the country." 5. Do not calculate upon increased revenue from Nabob's demise. Page 127.

6. Moreover, it is perfectly clear that the Company did not transact with the Nabob in the capacity of a mere pensioner. Against this they carefully guarded. Thus, at the meeting with Ally Houssain (and it will be kept in view that "the same terms" were proposed to Azeem ul Dowlah), he was informed by the Commissioners, "that the alternative choice was either to become the *acknowledged Nabob* of the Carnatic, *or* one of the many *pensioners* dependent on the bounty of the Company." Lord Clive, 3d August: "The mode of supplying a fund for the expenses of the family," "is entirely relieved from the degrading name and appearance of *a stipendiary* maintenance." Governor General, 18th August: "His Excellency in Council highly approves the consideration which has been manifested for the prejudices and condition of his Highness as the acknowledged soubahdar of Arcot, in apportioning his income on the revenues of the Carnatic rather than by granting it in the form of *a pension*." 6. Nabob not a pensioner. Page 99. Page 108. Page 110.

7. Nor was it as a pensioner that he was treated, but as the proper legitimate Sovereign. Among other circumstances, this is evidenced by the following facts: 7. Received as sovereign.

(1.) He received all the honours attached to the high station of Sovereign. He was installed "with every practicable degree of splendour and of public respect." He received royal honours, and annually the guns of the saluting battery of Fort St. George ushered in his anniversary; while his burial ceremony was conducted with "appropriate military honours." (1.) Receives Royal honours. Page 106. Page 117. Page 129.

(2.) His elevation to the dignity was intimated in the usual way to the various sovereign powers with whom he had relations; and not only is he recognised by them as successor to the vacant musnud, but it is quite clear that he was accepted, acknowledged, and transacted with, as successor in ordinary course, having all the rights and status of those who had formerly held that kingly office. Indeed, this is given actual expression to in one of the letters: "Seeing that you have succeeded, in the *usual manner*, to the Government, I have derived therefrom a degree of pleasure and happiness which it is impossible for me sufficiently to express." These letters are, moreover, of more importance than at first appears, because they all passed through the hands of the English Government, and they passed without objection or comment. Nay, it is remarkable, that if so serious a matter had befallen the Carnatic, as that the office of its sovereign ruler had (2.) Elevation intimated to Sovereigns. Page 116.

lapsed or passed into another power, and that the present occupant was to be the last of the race, a mere life tenant, that some mention should not have been made to either the Nizam or the Emperor, the legitimate over-lords. The absence of any such intimation is only one of the many proofs of the views entertained at the time.

(3.) Enjoys rights of sovereignty. nuzzers.

Page 75.

Feb. 17, 1802. Page 118.

(3.) The Nawaub enjoyed the actual rights of sovereignty. It has been seen that the right of demanding nuzzers, which had been a subject of dispute in the time of Omdut ul Omrah, was at once conceded to Azeem ul Dowlah as "immediate superior Lord" of those by whom they were payable. These nuzzers were directed "to be transmitted, according to the ancient usage, to the Durbar of the Nabob of the Carnatic."

Gardens of Sautgur, and other appendages of sovereignty.

Page 118.

In like manner, the gardens of Sautgur, the palace and gardens of Trichinopoly, and sundry villages, and other enaums appropriated to religious purposes, were "relinquished to his Highness *as appendages of Sovereignty.*"

Immunity from British courts of law.

Pages 121 to 125.

Another fact flowing expressly from his position as Sovereign, and therefore proving what that position was, was the immunity enjoyed by himself, and his family and dependents, from the jurisdiction of the English Courts. Despatches proving this, and containing evidence of Lord Clive's desire to maintain the immunity under the faith of the treaty, "in *the same full and ample manner as they have heretofore been enjoyed by his Highness's predecessors, Nabobs of the Carnatic,*" have been above printed. And, in short, there was no honour or right of sovereignty, save what have been granted away by the treaty, which the Nawaub did not fully enjoy.

8. Nabob certified to be an independent Prince.

Page 126.

8. But in addition to being styled (as he certainly was) "Sovereign of the Carnatic," a title by which he will be found to be designated in many places throughout the Despatches, there is a document among those which have been printed, which of itself is quite sufficient to set every question at rest. This document was the declaration, dated 1st February 1803, by which the Governor in Council at Madras did thereby certify "that the Nabob Azeem ul Dowlah was acknowledged and recognised by our said Government as an *independent Prince*, the Soubahdar of the Carnatic Payen Ghaut, and an ally of our said Government." Independent Prince! Why, that is the whole question raised by the decision of the Directors. If he was an independent Prince, his rights transmitted independently of the Company to his successors. This declaration in itself would be conclusive of the whole matter.

9. Succession of Azum Jah and grandson.

9. Accordingly, the best proof was afforded that he was regarded as an independent Prince by the fact, that at his death his son succeeded to his rank and title, and that upon that son's death his grandson succeeded. The succession of the son and grandson without objection—nay, as a matter of course—are in themselves worth a world of facts and circumstances, of documents and inferences. Beyond the rights arising or lost by acquiescence in their accession, they contain the most conclusive evidence within themselves of the interpretation put upon the treaty, at a time when the execution of the treaty may be said to have been almost within the recollection of the officials of the Company. Could better evidence of the view so entertained by the Company (and, of course, their views are binding only on themselves) be found anywhere than in the fact, that when the last succession opened, the successor recognised and elevated was *an infant?*

10. Azeem Jah treated as next heir.

Lastly. There is the fact, susceptible, if necessary, of proof, that his present Highness Prince Azeem Jah has been treated throughout, and till his nephew's death, as next heir to the throne.

With all these facts staring one in the face, facts which speak for themselves and require no comment, it is not possible to maintain that the Nawaubship was an office with which Azeem ul Dowlah was invested for his life merely; but that in precise conformity as well with the spirit and the terms of the treaty as with the whole facts and circumstances of the case, the right was one which must pass to descendants, and now, therefore, vests in the person of his Highness Prince Azeem Jah, the second son of Azeem ul Dowlah, and direct and indisputable heir to the musnud.

But there is another view of the matter which now falls to be considered.

III. According to international law, if the Treaty was a personal one, it ought, in the circumstances to be renewed, or if not renewed, the provisions on both sides fall; but if the provisions in favour of one of the contending parties subsist, the provisions in favour of the other subsist also. III. International law.

1. Assuming the treaty to be personal, it ought to be renewed. 1. If personal, treaty should be renewed.

The treaty which was entered into in 1801 was a substantial one, in which not only were the advantages mutual, but the advantages derived by the English were much greater than those derived by the Nawaub; and not only have these advantages continued to the English, but they have greatly improved in the course of time. The English, therefore, could suffer no wrong or injury by a renewal. In these circumstances, what is the course of duty which is sanctioned by international law? "When the term for which the treaty was made is expired, each of the allies is perfectly free, and may consent or refuse to renew it as he thinks proper. It must however be confessed, that if one of the parties, who has almost singly reaped all the advantages of the treaty, should, without just and substantial reasons refuse to renew it now that he thinks he will no longer stand in need of it, and foresees the time approaching when his ally may derive advantage from it in turn, such conduct would be dishonourable and inconsistent with that generosity which should characterise sovereigns, and widely distant from those sentiments of gratitude and friendship that are due to an old and faithful ally." Vattel, ii., 13, 199.

2. Assuming the treaty to be personal, and is not to be renewed, the provisions in favour of both parties have fallen. 2. If not renewed, provisions on both sides fall.

The effect of an alliance having fallen or terminated, is to destroy or terminate the provisions and engagements on both sides. The effect in the present case accordingly would be that the whole administration, civil and military, of the Carnatic, with the collection of the revenues, and whole revenues of the country, would fall to be restored to the Nawaub. This would, indeed, be a serious matter for the English Government; but to such a right his Highness Prince Azeeum Jah has no intention of laying claim. He rests his claim upon the Treaty of 1801, being real and permanent. He is prepared to maintain the faith of the treaty on his part, and to enter into such engagements as may be desired with a view to renew or confirm it.

3. Assuming the treaty to be subsisting, the provisions in favour of the Nawaub subsist. 3. If treaty subsist, provisions to Nawaub continue.

It is a rule of international law, that "real treaties, which were intended to subsist independently of the person who has concluded them, are undoubtedly binding on his successors; and the obligation which such treaties impose on the State passes successively to all her rulers as soon as they assume the public authority. The case is the same with respect to the *rights acquired by those treaties; they are acquired for the State, and successively pass to her conductors.*" Vattel, ii., 12, 191.
This law of reciprocal rights is in complete harmony with all the principles of equity by which treaties are interpreted. The equity of the rule, in its application to the present case, cannot for one moment be doubted.

IV. Independently of treaty and of every other right, his Highness Prince Azeem Jah is entitled, by the international law of prescription or usucaption, to succeed to the dignity of Nawaub of the Carnatic, with all the rights and revenues thereof. IV. Right by prescriptive possession.

After having shown that usucaption and prescription are founded in the law of nature, Vattel says, "It is easy to prove that they are equally a part of the law of nations, and ought to take place between different States; for the law of nations is but the law of nature applied to nations in a manner suitable to the parties concerned. And so far is the nature of the parties from affording them an exemption in the case, that usucaption and prescription are much more necessary between Sovereign States than between individuals." "Were we allowed to recur to antiquity on every occasion, there are few sovereigns who could enjoy their rights in security, and there would be no peace to be hoped for on earth." Vattel, ii., 11, sec. 147.
And after stating various reasons for the law, he adds, "*Between nations, therefore,* Ibid. sec. 149.

fore, it becomes necessary to admit prescription founded on length of time as a valid and incontestable title." "Nay, more," he says, "as by virtue of that law nations are in all doubtful cases supposed to stand on a footing of equal right in treating with each other, prescription, when founded on long undisputed possession, ought to have its full effect between nations without admitting any allegation of the possession being unjust, unless the evidence to prove it be very clear and convincing indeed."

Vattel, ii., 11, sec. 150.

Now, throwing out of view altogether that his Highness Prince Azeem Jah is the rightful successor to a dignity of which we have record for 150 years back from the present time, and for how far beyond is probably unknown, there is the fact, sufficient of itself, that he is the rightful successor to a dignity which has endured, without interruption, in his father's house and family *for a period of fifty-four years*, and through three successive sovereigns. It signifies little, therefore, by what title that dignity was originally acquired, or whether any record of its origin even remains. Nay, the fact that the distance of time is so great that the Company have had a difficulty in knowing what the facts really were, is just one of those cogent reasons upon which this most just and salutary law is mainly founded. The propriety of the law finds exemplification in this very case. Without going beyond himself, the long and undisturbed possession by his family of this hereditary sovereign dignity has nurtured his Highness Prince Azeem Jah in a state and position, and into prospects and hopes from which, if he be compelled to descend, it can only be by doing a rude violence to all the feelings of humanity. With all these feelings, and under a sense of injury to themselves, the native population, his born subjects, fully sympathise. A petition to the Parliament of this country in support of his Highness's claims is in course of subscription by them, and already has been subscribed by several thousands.

But while his Highness considers that he is fairly entitled to rest his claims upon these principles of law which regulate the intercourse of nations with each other, he takes his chief stand upon the terms of the treaties by which the English Company, so much to their own advantage, became bound to the Nawaubs of the Carnatic. Their terms he humbly conceives to be clear, unequivocal, and beyond dispute; and having a firm reliance on the wisdom and good faith of the Imperial Parliament of Great Britain, he leaves his case in the hands of that enlightened Legislature, satisfied that whatever they may do, will be found to be consistent with every just right to which he may be entitled.

And if in submitting his case to such consideration he has done so at some length, he trusts it will not be found to be greater than was necessary to make it fully understood, or greater than the importance of the subject may demand. He is here as the lineal descendant and lawful representative of the oldest and most faithful of the allies in India of the Honourable Company, and now of Her Most Sacred Majesty, to whom he has always been most royally attached—claiming the birth-right which he has derived from a long line of distinguished ancestors; and upon every principle by which the rights of men and of nations are determined he reposes, in confident hope that they will ultimately triumph by obtaining for him the restitution of his revenues and his establishment in a sovereign dignity which he values more than life.

Note.—The petitions to Parliament arrived in England too late to be presented in the Session of 1858, and the state of public business during the past Session (1859) has precluded the possibility of hitherto moving in the matter. In the meantime, the Legislative Council of Calcutta have passed an Act having for its object to enable the Indian Government to sell his Highness's ancestral palace of Chepauk, to assist in paying the debts of the late Nawaub, which the Company have undertaken. His Highness, who offered to undertake any liability for such debts, was heard by counsel against the passing of the Act, but his opposition was ineffectual, as the Bill was rested upon the decision of the Court of Directors. The petitions having been transmitted prior to the passing of the Act, do not refer to it; but if the prayer of the petitions be sustained, the Act will have to be repealed.

OUTLINE of the CASE of His Highness PRINCE AZEEM JAH, Nawaub of the *Carnatic*, and Soubahdar of *Arcot*, in support of the Petitions of His Highness to the Imperial Parliament of Great Britain.

TABLE OF THE NAWAUB'S DESCENT.

ANWAR-AD-DIEN,
Nawaub of the Carnatic 1744.
Slain in Battle 1749.
Succeeded by

his | Son

MOHAMED ALI, afterwards, by
Royal Firmand, named
WALLAH JAH UMMEER UL HIND.
Died on 13th October 1795,—leaving

Eldest Son, | And predeceased by Second Son,

OMDUT UL OMRAH, who succeeded
his Father, and died on
15th July 1801, leaving

AMEER UL OMRAH,
died, leaving

Reputed | Son.

a | Son.

ALI HOUSSAIN,
passed over and died on 6th April 1802,
without issue.

AZEEM OOD DOWLAH succeeded his Uncle
OMDUT UL OMRAH.
Died 3d August 1819,—leaving

Eldest Son.

Second | Son.

AZUM JAH, succeeded his Father,
died 12th Nov. 1825, leaving

AZEEM JAH,
The Claimant,
now in right of the Nawaubship.

a minor | Son.

MAHOMED GHOUSE KHAN, who succeeded
his Father under the Regency
of the Claimant his Uncle, AZEEM JAH.
Died issueless, 7th Oct. 1855.

THE NAWAUB OF THE CARNATIC.

Outline of the Case.

In another paper (the case itself), the facts out of which the claims of his Highness Prince Azeem Jah to the musnud of the Carnatic and its revenues, arise, the Despatches by which the positions maintained for him are demonstrated, and the arguments by which his claims are proved, and the objections to them are refuted, are set forth in detail. It has not been thought necessary, at least at the present time, to trouble the Members generally of either House with a document extending to some length, under the belief that, in the circumstances, a brief outline of the case may be more acceptable. The facts, however, of the present case are so much already constituent parts of the history of the British Empire in India, that a detailed narrative becomes of the less importance, more especially as the claim of the Nawaub really turns upon the effect to be given to treaties, towards the understanding of which the light derived from the facts, though in itself conclusive, is by no means essential.

One fact, however, which these historical events disclose, can scarcely be overlooked. It appears, again and again, from the Despatches of the Governors and other officials of the East India Company, that the Nawaub of the Carnatic was esteemed as "the oldest and most faithful" of the allies of the English in India: and his present Highness, in presenting his petition for redress to the Imperial Parliament of Great Britain, stands before it as the lineal descendant and legal representative of that Nawaub to whom this proud appellation was first given. With this peculiar claim to the forbearance of Parliament, it is the intention of the present paper to supply a short statement of the circumstances under which he now appears to state his case.

The Carnatic is a province on the south-east of the Peninsula of Hindostan. The native capital town is Arcot, from which the Nawaub of the Carnatic has sometimes been termed the Nabob or Soubahdar of Arcot. The province contains a population of about 5,000,000. It now forms a part of the British Presidency of Madras.

In the year 1744, Anwar-ad-Dien, the great-great-grandfather of his present Highness, the claimant, Prince Azeem Jah, was elevated by his superior, the Nizam of the Deccan, to the musnud or throne of the Carnatic. He was, in every respect, an able and powerful Prince; and that at a time when the English dominion and influence in India were very small. Shortly afterwards, in consequence of war breaking out between the English and the French, the English were exposed to the victorious attacks of the French upon their settlement at Madras, and Anwar-ad-Dien came to their assistance, and by his voluntary support founded that alliance which has subsisted without any interruption from that to the present time.

The ambition of the French commanders was very great, and threatened to prove destructive to the English. For many years a war was carried on in which both powers were assisted by the native princes, of whom, among the allies of the English, the Nawaub of the Carnatic was the chief. The means by which the French obtained the support of native princes was by setting forward the pretensions of certain persons to the soubahdarship of the Deccan and nawaubship of the Carnatic against the legitimate and reigning powers. Under this plausible pretext the French obtained the assistance of great native armies, and at times had nearly succeeded in their object of driving the English out of India. In the course of the struggle Anwar-ad-Dien was slain in battle, and was succeeded in 1749, by his son, Mohamed Ali.

These hostilities, which had been very distasteful to both the English and the French East India Companies at home, continued, with some interruption, till the year 1761, when the allied arms of the English and of Mohamed Ali triumphed, by the taking of Pondicherry.

The allies were now in the ascendant; but the wars were attended with immense expense, and were productive of much bloodshed and of great injury

to

to the country. Both the English and French in Europe were most desirous to terminate them, and, accordingly, when the Treaty of Paris, of date 10th February 1763, came to be adjusted, the restoration of peace in India was made the subject of an express article, by which it was agreed, that, "in order to preserve future peace on the coast of Coromandel and Orixa, the *English and French shall acknowledge Mohamed Ali Khan for lawful Nabob of the Carnatic*, and Salabut Jung for lawful Soubah of the Deccan." Mohamed Ali was thus, by solemn treaty, acknowledged by both the European nations as Nabob; and the terms of the treaty show that this acknowledgment removed all pretence there was for further war.

The treaty was, in some respects, a mutual concession. Salabut Jung was the Soubah set up by the French; but the framers of the treaty were not aware that that personage had been previously dethroned and imprisoned by his brother, Nizam Ali, who, upon learning the terms of the treaty, caused him immediately to be put to death; and thus became, without a rival, Soubahdar of the Deccan.

Previous to this time the English Company had been desirous to obtain from the Emperor or Great Mogul, a confirmation of Mohamed Ali's right to the nabobship of the Carnatic, and of the grants of land which, as such, he had made to them. It was not, however, till 1765, that the royal firmaunds were obtained. On 12th August 1765, the Emperor Shah Allum granted a confirmation in favour of the English Company, their heirs and descendants, for ever and ever, of the grants by the Nawaub from the Circar of the Carnatic. And on 26th August 1765, the Emperor granted a firmaund, confirming Mohamed Ali's right and title to the nawaubship of the Carnatic. This important document confirmed a previous firmaund of the Emperor Ahmed Shah in Mohamed Ali's favour, dated in 1750, and conferred upon Mohamed Ali and his eldest son, and their heirs for ever, the government of the Carnatic Payen Ghaut, and the countries dependent thereon, to be held immediately of him, the Emperor, without dependence upon the Soubahdar of the Deccan. By the same firmaund he bestowed upon the Nabob, Mohamed Ali, the new titles of Walla-Jah Ummir-ul-Hind, which he ever afterwards used.

Another firmaund, dated 12th August 1765, was likewise granted to the Company, conferring upon them the five northern circars, which formed a part of the Soubah of the Deccan, from dependence upon which they were accordingly thereby released. To take possession of these provinces, General Calliaud marched with the troops of the Carnatic. Nizam Ali, the Soubah, immediately took steps to avenge himself, and was preparing to invade the Carnatic, when the Presidency, alarmed at the prospect of war with the Soubahdar, sent orders to Calliaud to negotiate a peace. Arrangements were accordingly concluded with the Nizam, and a treaty was entered into. The only part of the arrangement of present importance was that by which, in consideration of a payment by the Nawaub of 50,000 *l.*, he, Mohamed Ali, secured for himself and his successors a discharge of all demands by the Soubab against him and them.

The alliance of the Nizam was of short duration. A war between the Nizam and Hyder Ali on the one side, and the English and Mahomed Ali on the other arose, which resulted in a treaty, dated 23d February 1768, between the East India Company and the Nawaub on the one part, and the Nizam on the other. The seventh article of this treaty is of most importance to the present case: it runs thus:—

"The exalted and illustrious Emperor Shah Allum, having been pleased, out of his great favour and high esteem for the Nabob Walla Jah, to give and to grant to him, and his eldest son, Meyen-ul-Mulck Omdet-ul-Omrah, *and their heirs for ever*, the Government of the Carnatic Payen Ghaut, and the countries dependent thereon, by his royal firmaund, bearing date the 26th of August 1765, or the 27th of the moon zuphur, in the sixth year of the said Emperor's reign; and the Nabob Ausuph Jah Nizam-ul-Mulck, &c., having also, out of his affection and regard for the said Nabob Walla Jah, released him, his son, Meyen-ul-Mulck, &c., *and their heirs in succession for ever, from all dependence on the Deccan*, and given him a full discharge of all demands, past, present, and to come, on the said Carnatic Payen Ghaut, by a sunnud under his hand and seal, dated the 12th of November 1766, in consideration of the said Nabob Walla Jah having paid the Soubah five lacks of rupees, *it is now agreed and acknowledged* by the said Ausuph Jah Nizam-ul-Mulck, that the said Nabob Walla Jah, and after him his son Meyen-ul-Mulck, *and their heirs in succession, shall*

 enjoy

enjoy for ever, as an ultumgau or free gift, *the Government of the Carnatic Payen Ghaut in the fullest and amplest manner*, the said Nabob Ausuph Jah promising and engaging not to hold or keep up any kind of correspondence with any person or persons in the said Carnatic Payen Ghaut, or in the Sircars before and now ceded to the English Company, except the said Nabob Walla Jah, or the said English Company, by the means of their President and Council of Madras,—who, on their part, in conjunction with the said Nabob Walla Jah, engage likewise not to hold or maintain any correspondence with any person or persons in the Deccan, except the Nabob Ausuph Jah, his Dewan, and the securities whose names are hereunto subscribed."

By this treaty, therefore, the royal firmaund of the Emperor in favour of the Nawaub Walla Jah, was recognised not merely by the Soubahdar, but by the English Company, while the Soubahdar himself, so far as he was concerned, confirmed or conferred upon the Nawaub, in free gift, the government of the Carnatic. Thus, by every power concerned—by the Emperor, by the Soubahdar, and by the English Company, the right of Walla Jah to the nawaubship or government of the Carnatic was acknowledged in the most solemn manner; while it is most important to observe, that these documents prove not merely his right, but that it flowed from the lawful native authorities, and was not the creation of the English Company. Nor is this observation wholly unnecessary, for there have been persons ignorant enough to suppose that Walla Jah, as Nawaub, derived his title and right from the English, and was a mere dependent of the Company, or at all events only the tolerated ruler of a conquered kingdom. Such an idea is not to be discovered as existing in the mind of any one at this period. It could not be. It was directly contrary to the fact. *He was found an independent prince.* He had gone to war *for* the English, and the English had (at his charges), gone to war *for* him, *but they had never been at war with each other.* His position could not, therefore, have been changed, and necessarily the whole course of the Company's dealings with him was upon the footing of his being a sovereign in his own right.

But while these documents expressly established Mohamed Ali in the throne of the Carnatic, they as expressly conferred that right upon his *descendants.* Other documents given in the longer case also show that the right of Mohamed Ali's posterity was a point expressly in the view of the parties at the time.

The war with the French, which endured so many years, had been very costly to the English Company, and they considered they were fairly entitled to be at least to some extent reimbursed by the Nawaub. The war had been in many ways injurious and expensive to the Nawaub himself. Notwithstanding, he cheerfully met the demands made upon him from time to time, perhaps to an extent greater than was fairly justifiable looking to his resources. The position in which he thus placed himself as a debtor to the Company, became the source of all the discomfort and discussion which subsequently arose, now ending in the contemplated ejection of Prince Azeem Jah from the throne of his ancestors. The Nawaub became bound to provide an annual sum towards the maintenance of the English troops, besides providing for the debts which he had already incurred. For these annual payments the English always were nervously anxious to obtain a full security. In 1781 an arrangement was made by which the Nawaub agreed to assign his revenues for five years to the Company, who were to collect and account to him; but this arrangement was distasteful to the Nawaub, and it was terminated in June 1785, by a preliminary treaty between the Company and the Nawaub, by which the latter agreed to pay 4 lacs of pagodas (160,000 *l.*) per annum as his proportion of the current charges, and 12 lacs (480,000 *l.*) per annum on account of his debts to the Company and to private creditors, until these debts were discharged, and the revenues of certain districts were assigned in security. This was succeeded by the treaty of 24th February 1787, by which it was provided, that the Nawaub should contribute towards the military peace establishment, and pay into the treasury of the Company 9 lacs (360,000 *l.*), besides the above 12 lacs per annum, with security of assignment of districts in case of failure; and, in the event of war, its conduct was to be entrusted to the Company, and each party was, while the war lasted, to contribute for the purposes of the war four-fifths of the whole revenues they respectively derived from the Carnatic.

With this treaty, however, both parties were dissatisfied. The Nabob found it to be too oppressive, and the Company considered that it did not afford them adequate

adequate security for the Nawaub's payments. The treaty was therefore annulled, and a new treaty, dated 12th July 1792 (which still, to certain effects, exists), was entered into. It bears to be entered into by the Governor General, invested with full powers on the part of the Company, "in the name of, and for the said Company, their heirs and successors on one part," and the Nawaub Walla Jah (Mohamed Ali), Nawaub of the Carnatic, in his own name and "*for himself and his successors*," his eldest son Nawaub Omdut-ul-Omrah "*and his heirs and successors*, on the other part," and recites that they agreed to certain articles "which shall be binding on the respective contracting parties."

By this treaty the Nawaub agreed to contribute in time of peace 9 lacs (360,000 *l.*) towards the defence of the Carnatic, besides 6 lacs (240,000 *l.*) on account of debts, the Company being entitled, in the event of non-payment, to assume the management and make the collection of the revenues of certain stipulated districts; and in the event of war breaking out, the Company were empowered to assume full authority over the Carnatic, and to collect the revenues thereof, from which they were to pay to the Nawaub one-fifth for his personal expenses, the remaining four-fifths being applied as before to the maintenance of the war. In time of peace the collection and management of the revenues and government of the Carnatic were left entirely in the hands of the Nawaub.

As the Company were entitled, in the event of non-payment of the stipulated annual contributions, to enter upon the collection of the revenues of certain districts of sufficient value to meet the obligation, it might be supposed, and in point of fact it was supposed by the Governor General, Lord Cornwallis, that the interests of the Company were sufficiently protected; and so undoubtedly they would have been, if the Nawaub's management had been prudent and economical. But unfortunately it was not so; at all events the opinion (whether rightly or wrongly) formed by the English with regard to it was, not merely that it was oppressive to his subjects, with which directly they had no concern, but that it was ruinous to the revenues and general interests of the Nawaub, in the prosperity of which their concern as mortgagees was direct and deep. The evils, moreover, attendant upon a divided government—that is to say a government of two separate and independent sets of rulers (for by this time the English had acquired a share of rule in the Carnatic)—began to be felt. The Despatches show that the opinion had been gaining ground even prior to the Treaty of 1792, that the Carnatic would never be in a satisfactory state as well for the Nawaub as for the Company, *until the entire collection of the revenues and management* were, whether during peace or during war, *entrusted to the Company*. Not that it was desired to acquire any further power for its own sake, but simply because such management would tend to ensure regular payment of the Nawaub's annual contributions. Nor was it with any view, at least at this period, of extracting a further revenue. Still less was there in the minds of the Company any idea of affecting the *status* of the Nawaub, as sovereign of the Carnatic, or of doing anything but a benefit to him and his subjects.

The difficulty in the way was the very natural opposition of the Nabob himself. And the Company felt that it would be a most ungracious, impolitic, and improper act towards one who stood to them in the position of an old ally, united to them by every tie of friendship, to use anything like force to compel him to accede to their wishes; and, accordingly, the Company uniformly enjoined the use of no other means than those of persuasion.

The opinion so entertained even prior to the Treaty of 1792, that the collection of the revenues of the Carnatic should be under the control of the Company, became still stronger afterwards, and to this opinion and the earnest desire to carry into effect the measures deemed necessary for the Company's security, is to be attributed the subsequent and last Treaty of 1801. In the longer case a great variety of Despatches are given, from which this clearly appears.

Mohamed Ali died at the age of 78, on the 13th October 1975. He was succeeded by his eldest son Odmut-ul-Omrah. The efforts made to induce this Nabob to accede to the proposed assignments of his revenues were even more urgent than those used with his father. They were equally unsuccessful, and

the Company, who did not consider themselves justified in using compulsion, were at their wits end to devise the means of accomplishing their wishes.

At this juncture, they hit upon a notable expedient. At the storming of Seringapatam certain letters were found which were said to have passed between the two Nabobs of Arcot, Mohamed Ali and Omdut. or their Vakeels, and the Sultan of Mysore, "the inveterate enemy of his Highness and family, and of the British name." The correspondence was instantly seized upon as a pretext to prove not merely the insincerity of the Nawaub's attachment, but that they had thereby become public enemies, and had forfeited every claim to consideration. The following is the remarkable letter in which the Governor General announces to the Governor of Madras "the fortunate circumstance" of the discovery of public enemies in the person of those who for more than 50 years had been, or been considered, close allies and firm friends:

EXTRACT of Letter from the Governor General to Lord *Clive*, dated April 7th, 1800.

Para. 10. Your Lordship will concur with me in opinion, that the disclosure made by the annexed documents of the disaffection of the Nabob Odmut-ul-Omrah supersedes the necessity of any further consideration of the state of the Company's connexion with that Prince, under the orders lately conveyed by the Honourable Court of Directors to your Lordship in Council. While those orders were under my consideration, a combination of fortunate circumstances revealed that correspondence, which at once furnishes an explanation of the perverse spirits of his Highness's councils since his accession to the musnud, and demands the application of the *sole effectual remedy for the evils* which those councils have brought upon his people.

May 28, 1801. The form of an inquiry was gone into, to which the Nawaub was not only no party, but of which he knew nothing, and of course the charge was held to have been made out. But, though it is a matter in reality of very little importance to the present case, whether the evidence was or was not sufficient to establish the charge which was fastened upon the Nawaubs, it may be mentioned that the historian, Mr. Mill, goes fully into the matter, and shows clearly that there was no evidence to support the accusation.

A letter from the Governor General discloses "the course of reasoning" which was to be educed out of it. The Company were thereby "entirely relieved from the impediments hitherto opposed to the progress of improvements;" the Company were therefore in a position, without dishonour, to dictate their terms. These terms were "territorial possession" as affording "the only adequate security for the military subsidy of the Carnatic." "A negotiation" was therefore to be immediately opened "with the Nabob Odmut-ul-Omrah for the purpose of adjusting an arrangement for the entire transfer of the civil and military Government of the Carnatic to the hands of the Company on the terms specified in the draft of a treaty," which the Governor General enclosed to Lord Clive in his letter; and in order to induce compliance, the Nawaub was to be offered 120,000 *l.* per annum for his personal expenses. If the Nabob refused to agree, Lord Clive was to assume the civil and military Government of the Carnatic.

At the time this communication arrived, Odmut-ul-Omrah was labouring under his last illness, and, in consequence, it was not deemed proper to communicate with him on the subject. He died upon the 15th July 1801.

Previous to this event, Lord Clive had secured the introduction of armed men into the palace; and, upon announcement of the death, he immediately dispatched two Commissioners to open a negotiation with Omdut's reputed son and heir nominated by his will—Ali Houssain—for the purpose of carrying into effect the arrangement which the Governor General had directed to be proposed to his father.

The Commissioners had several interviews with the young Prince and his regents, who were informed of the alleged nature of the documents discovered at Seringapatam. The regents expressed their surprise at the charge, pointed out the impossibility of its being true, and offered, upon being furnished with the evidence, to supply explanations and counter-poofs upon which the Company might form a more correct judgment. It was not, of course, convenient to agree to such a proposition.

The

The Commissioners then explained that the basis of the arrangement which they had to propose, was the transfer of the Civil and Military Government of the Carnatic to the Company as the only adequate security for the rights of the British Government in the Carnatic. The regents observed that the effect of this would be, that "the station of Nabob of the Carnatic would be annihilated;" to which the reply was "*that the rank and dignity of the Nabob of the Carnatic could not be injured by the proposal,*" and that the object of proposing an amicable adjustment "was manifestly founded on the desire of *preserving to the family the rank, dignities and splendour of the Nabobs of the Carnatic.*" More to the same effect took place, but Ali Houssain declined to agree to the proposal.

In terms of their instructions, the Commissioners then proceeded to open a negotiation with his cousin, the next heir, Azeem-ul-Dowlah, son of Ameer-ul-Omrah, Mohamed Ali's second son. An interview was had with him, which the Commissioners reported ended in a declaration by the Prince "of his readiness to afford, in the event of his elevation to the musnud, that satisfaction and security which your Lordship and the Governor General had deemed to be necessary to the preservation of our interests in the Carnatic." A treaty was thereupon adjusted, which was in all its essential terms the same as that prepared for negotiation with Omdut-ul-Omrah. It was formally executed, and Azeem-ul-Dowlah was installed as Nabob of the Carnatic.

Proclamation of Azeem-ul-Dowlah's accession and of the terms of the treaty, together with intimation to various Government residents, was made. Report was also made to the Governor General, who, on 18th August, intimated his approval, but at the same time stated that it might be desirable to alter the expression made use of in the treaty, that the right of his Highness, founded upon the hereditary right of his father, had been acknowledged by the Company, and, if the Nawaub was inclined to alter this expression, he thought it would be well to get it done. At the same time he did not consider that it was of such importance as to be proposed at the hazard of forfeiting any of the advantages acquired, and he had accordingly signed the treaty as it stood originally, with another copy containing the alterations. The one or the other was to be used, according as the Nawaub was or was not inclined for the alteration. The Nawaub attached no importance to it, and at once agreed to sign the altered treaty. The object of the alteration obviously was dictated by the circumstance that Ali Houssain had a prior claim to Azeem-ul-Dowlah, and Parliament might not approve of his being passed over. In point of fact, the passing over of Ali Houssain gave rise subsequently to a serious discussion in the House of Commons; but, as the discussion did not take place till after the death of Ali Houssain (who died without issue on 6th April 1802), the motion out of which the discussion arose thus came to be viewed rather as a vote of censure on Lord Wellesley than as a question of practical import, and it was negatived by a majority.

Azeem-ul-Dowlah announced his accession to the King of Great Britain, to the Emperor Shah Allum, the Nizam, and others, and received congratulations.

The elevation of Azeem-ul-Dowlah, and his acceptance of the conditions proposed by the Company, gave great offence and dissatisfaction to the sensitive minds of the other members of the royal house. They refused to attend at his installation, and his Highness had for some time a very unpleasant, perhaps it may be said, not a safe life amongst them. This fact gave rise to correspondence which is valuable as showing that it was clearly understood that Azeem-ul-Dowlah had succeeded to the rights of his ancestors, and that he was regarded as "the instrument" for the preservation in "the family" of the dignity of Nawaub.

In consequence of a collision between the English courts of law and the prerogatives of his Highness, a correspondence also ensued, which resulted in the Governor and Council issuing the now remarkable and important declaration, dated 1st February 1803, certifying that the Nabob Azeem-ul-Dowlah "is acknowledged and recognised by our said Government as an *independent Prince*, the Soubahdar of the Carnatic Payen Ghaut, and an ally of our said Government."

Azeem-ul-Dowlah died on 2d August 1819. His eldest son, Azum Jah, was

on 11th September following proclaimed his successor "in the rank and title of Nabob Soubahdar of the Carnatic." The installation took place upon 3d February 1820. The Governor, in addressing his Highness, congratulated him upon ascending the musnud "in the direct line of *hereditary* succession to his father," and stated, that under the sanction of the Most Noble the Governor General, and the Nabob's acknowledgment of the validity of the Treaty of 1801, its stipulations "are now declared to be equally binding upon your Highness as they were upon the late Nabob and the British Government."

His Highness Azeem Jah died on 12th November 1825. He left an only son, Gholam Mahomed Ghouse Khan. This son succeeded him in his rank and title; but being then an infant his uncle, Prince Azeem Jah, the present claimant, as next heir to the throne, was invested with the regency, during the minority, under the title of Naib-i-Mooktar.

His Highness Gholam Mahomed Ghouse Khan, upon attaining age, assumed the sovereignty. He died upon the 7th day of October 1855 without issue; and his nearest heir is his uncle, the present claimant, Prince Azeem Jah, who is therefore, according to Mahomedan law and custom, no less than in conformity with English law, entitled to succeed the late Nawaub as heir, representative, and successor in all his rights, titles, dignities, revenues and property, as Nawaub of the Carnatic. No other claimant exists; and it may be mentioned, that his Highness, who is the second and only surviving son of the former Nabob Azeem-ul-Dowlah (a son by the same mother), is also the nearest heir and representative, not merely of his father, but of his great grandfather Mohamed Ali, of his grand-uncle Omdut-ul-Omrah, and of Ali Houssain, his father's cousin.

Previous to the death of Gholam Mahomed Ghouse Khan, Prince Azeem Jah was invariably treated both privately and officially as successor to the musnud. It was not till after the death of his nephew that he received any intimation that there would be objection to his succession. The manner in which the objection was first hinted at and afterwards announced, with the procedure which took place, are set forth in the petition of his Highness, who, upon finding that the Indian Government declined to recognise him as successor, submitted a memorial to the Honourable the Court of Directors, setting forth his claims to succeed to the vacant musnud. It is against the decision of the Directors after this representation, by which a great wrong has been done to the claimant, involving the credit of the British name, that he finds it necessary to appeal for redress to the Parliament of Great Britain. That decision was intended to extinguish for ever the dignity of Nawaub of the Carnatic. It is rested upon two grounds, the one that his late Highness left no direct heirs; the other, that the Treaty of 1801 was personal to Azeem-ul-Dowlah.

The first of these is simply incorrect, unless it be intended to affirm, what is undoubtedly true, but as undoubtedly unimportant, that the late Nawaub did not leave a *son*. But Prince Azeem Jah is the next, and in this—the proper and only important sense of the word—the *direct* heir of his late nephew Gholam Mahomed Ghouse Khan, while he is also the second and only surviving son of Azeem-ul-Dowlah, and the heir of all the previous possessors of the musnud. In law it admits of no question that he is the heir and legitimate successor.

The other ground is rested on the following ingenious syllogism:—

1. The Nawaubs Mohamed Ali and Omdut-ul-Omrah, by reason of the correspondence before referred to, placed themselves in the position of public enemies of the British Government, and thereby forfeited their right to their sovereignty.

2. Azeem-ul-Dowlah was consequently indebted for his sovereignty and the rights attached to it to the favour of the British Government, that is, the East India Company.

3. Azeem-ul-Dowlah acknowledged this.

4. Therefore the rights of the family are derived from the treaty, and must be limited to its terms.

5. But

5. But that treaty was exclusively personal to Azeem-ul-Dowlah, and therefore his present Highness has no right to succeed.

Every one of these five positions is erroneous.

1. International law recognises no such principle, as that an act of hostility to a government forfeits the sovereignty of the hostile power, even although that hostility were open and established, which, in the present case, it most certainly was not. Nor must it be for one moment supposed that the sovereignty of the Carnatic was any dependency or creation of the British power. It was a title existing long before the English were even known in India; and the right of the family was derived, not from British nomination, but by regular and recognised charter from the Great Mogul.

2. Azeem-ul-Dowlah may have been indebted to the English for their assistance in elevating him to the throne of his ancestors, in despite of the prior claims of his cousin Ali Houssain; but the Company at that time neither dared nor sought to terminate the title. Their sole object was to get security for the payment of the annual contributions for which the Nawaub had become bound.

3. The acknowledgment here referred to has been already disposed of. It never was even insinuated at the time that the alteration in the recital of the treaty was to have the effect of limiting Azeem-ul-Dowlah's rights, and it did not and could not possibly have that effect.

4. The premises being false, this conclusion necessarily falls, although Prince Azeem Jah has no *interest* to question the conclusion. Only he must observe, that there was no transfer by the Treaty of 1801 to the Company of the sovereignty of the Carnatic, and, consequently, that that sovereignty must still subsist, and it does subsist in the person of Prince Azeem Jah, from whom it cannot be taken without exercising an unwarrantable act of violent aggression against an unoffending sovereign prince.

A right of sovereignty is not a right which can pass by inference. Not only however is there not in the course of that treaty any transfer of the sovereignty, but there is not one word or phrase from beginning to end of it indicating the least intention of making over that sovereignty to the Company.

It is, in point of fact, the Company, and not the Nawaub, who derived rights from the treaty. It was he who gave up a portion of his rights by that act; and, accordingly, the Company at that time most distinctly and formally acknowledged that the rights they had acquired flowed from the treaty.

5. But the claimant has every wish to meet the Company upon the last and final question raised. Was the treaty exclusively personal to Azeem-ul-Dowlah? He has then to submit

That he has right by virtue of express treaty agreement.

The writer of the Company's Despatch containing the Directors' decision has lost sight of the legitimate meaning of the word *personal*, as applied to a treaty. It means that it is to endure only during the lifetime of the person with whom the treaty is entered into. After his death, his successor is entitled to have matters restored to the state in which they were prior to the treaty. It is obvious, however, that the term has been used in the familiar sense, and that in that sense it does not apply, is sufficiently proved by the fact, that the treaty which was subscribed by Azeem-ul-Dowlah was precisely the same in terms as that which was directed to be proposed to Omdut-ul-Omrah and to Houssain Ali. The question really is, was the treaty a *permanent* treaty as contradistinguished from a *personal* treaty.

In this outline it is impossible to give in detail the many conclusive circumstances, each and all of which clearly demonstrate this treaty not to have been personal.

I. The terms of the treaty.

1. "The contracting parties" are the Company on the one hand, and "the Nabobs of the Carnatic" on the other. Azeem-ul-Dowlah's name is only brought in as indicating by whom the treaty was concluded.

2. The second article of the treaty bore "that such parts of the treaties heretofore concluded" "as are calculated to *strengthen the alliance, to cement the friendship, and to identify the interests* of the contracting parties, are hereby renewed and confirmed.

3. Flowing out of this there is an observation which of itself entirely nullifies the comment made by the Directors, that there is no mention in the Treaty of 1808 of heirs and successors, because by this article the Treaty of 1792 was at least, to the above effect, incorporated; and that treaty undoubtedly bore to have been entered into by Mohamed Ali "for himself *and his successors.*"

4. The treaty expressly bears that it was executed for the purpose of "supplying the defects of all former engagements, and of establishing the connexion between the said contracting parties in all times to come."

5. The treaty declares that the full and exclusive "right to the revenues, *with the exception* of such portion of the said revenues as shall be appropriated for the maintenance of the said Nabob and for the support of his dignity, shall be *for ever* vested" in the Company. The *exception* must necessarily be as enduring as the *grant.*

6. There is provision made in the treaty that a certain portion of the revenue shall be annually allotted for the maintenance and support of the Nawaub. It is nowhere stated that this payment should cease at the death of Azeem-ul-Dowlah. There is in fact no period of termination either to this payment or to the rights of the Nawaubs. The whole structure of the treaty is evidently based upon the footing that it was to be a perpetual burden, and any attempt to reduce the treaty to a personal treaty with Azeem-ul-Dowlah only leads to inextricable difficulties.

7. The treaty expressly bears that its object partly was "*for settling the succession*" to the Soubahdarry of Arcot. This is repeated both in the title and in the preamble.

Lastly, the express words of the treaty are, "The Nabob Azeem-ul-Dowlah is hereby formally established in the state and rank, *with the dignities dependent thereon,* of his ancestors *heretofore* Nabobs *of the Carnatic.*"

This expression is unlimited, and it can admit of no doubt whatever that its evident meaning is, that he succeeded to the state and rank of his ancestors in all their entirety, whatever that was. But one of the most essential of those qualities which attached to that state and rank was, that it transmitted to *heirs or descendants*; in fact, the right was hereditary.

II. Independently of the terms of the treaty moreover, there are various circumstances proving that it was a real right of sovereignty with which Azeem-ul-Dowlah was invested.

1. The *object* of the treaty was not to deprive the Nawaub of his sovereignty, but simply to obtain security to the Company for "their existing rights and interests" in the Carnatic.

2. From the expression used both by the Company and by the Nawaub, the understanding was undoubted on both sides, that there was no intention to injure the Nawaub, or in any way to affect his status as a hereditary prince, but that it was to be in all respects the same as that of his predecessors.

3. The effect of the treaty was always represented to be to preserve the right to the *family*, and not to the individual; and Azeem-ul-Dowlah was simply held to be "*the instrument*" "of restoring the rank and dignity of the *family.*"

4. The Company never speak of an increase of revenue to arise by his death; and they most carefully guarded themselves against considering him as a mere pensioner.

5. Azeem-ul-Dowlah was, in fact, treated as the proper legitimate sovereign. During life, and at death, he received royal honours; his elevation was announced in the usual way to the various sovereign powers,—while he enjoyed the actual rights and all the privileges and immunities of a Sovereign.

7. He

6. He was not only recognised as Sovereign, but he was especially declared to be an independent prince.

7. His son and grandson successively succeeded to his throne as a matter of course, and in virtue of their hereditary right.

Lastly. There is the fact susceptible, if necessary, of proof, that his present Highness, Prince Azeem Jah, has been treated throughout, and till his nephew's death, as next heir to the throne.

But even supposing that the terms of the treaty were not conclusive, his Highness would be entitled, and most justly, to assert, that by the international law of prescription or usu-caption, he has right to succeed to the dignity of Nawaub of the Carnatic, with all the rights and revenues thereof. To this, however, he deems it unnecessary to his case to have recourse.

It will only further be observed, that, according to international law, if the treaty is a personal one, the provisions on both sides fall; but, if the provisions in favour of one of the contracting parties subsist, the provisions in favour of the other subsist also, and the treaty falls to be renewed.

As the treaty is one from which the English derived substantial advantages, which have greatly improved in the course of time, a renewal of the treaty is the lowest view which justice would point at in the circumstances. If the Company's view of the Treaty of 1801, being a personal one, were correct, Prince Azeem Jah would be entitled to take much higher ground, and to claim not merely the provision guaranteed by the treaty for maintaining the rank and dignity of the Nawaub, but restoration of the civil and military administration of the Carnatic, with its whole revenues. To such a serious demand his Highness has no intention of laying claim. He rests his claim upon the Treaty of 1801 being real and permanent. He is prepared to maintain the faith of the treaty on his part, and to enter into such engagements as may be desired, with a view to renewing or confirming it.

Note.—The Petitions arrived in England too late to be presented in the Session of 1858, and the state of public business during the past Session (1859) precluded the possibility of then moving in the matter.

APPENDIX.

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Note.—The following are only a few of the Documents given in the detailed Case for the Nawaub.

LETTER from the Court of Directors of the East India Company, 1 June 1764.

" To his Excellency Umdatul Mulk Serajah Dowlah Anaverdien Cawn Behaudor Munsoor Jung, Nabob of the Carnatic Payngaut.

" May it please your Excellency,

" AMIDST the deep concern with which we are touched on account of the disorders which have arisen in the kingdom of Bengal, we have the satisfaction to learn, that the friendship which has so long subsisted between your Excellency and the Company, is daily increasing. The assurances Mr. Pigot, our late Governor of Madras, has given us of your continued attachment to the Company, and the strong proofs you have yourself produced of your generous attention and good-will, in taking on yourself the whole charges of the sieges of Madras and Pondicherry, and in the grants you have lately made to the Company of lands in the vicinity of Madras, are pleasing and acceptable to us in the highest degree. We are at a loss how to express our acknowledgments, otherwise than by the strongest assurance of our firm intention to prove to you at once the sincerity of our past, and the warmth of our present friendship, by supporting you in the most effectual manner in your government, and by endeavouring, as much as in us lies, *to perpetuate the succession thereof in the direct line of your family.*

" The good effects which have been derived both to your Excellency and to the Company, from the cordial friendship which has at all times subsisted between you and our late Governor, Mr. Pigot, have been so conspicuous, and his conduct in this respect particularly has given us so much satisfaction, that we thought proper, on his arrival here, to receive him with the most honourable testimonials of our approbation.

" May your Excellency long continue to enjoy the blessing of a peaceful and prosperous government, with continued increase of honours and wealth.

" In testimony whereof we hereunto affix our Great Seal, in the city of London, this 1st day of the month of June, in the year of our Lord 1764."

EXTRACTS from TREATY of 12 July 1792.

WHEREAS a certain engagement entered into between the Honourable English East India Company and his Highness the Nawaub of the Carnatic, bearing date the 24th February 1787, for the purpose of cementing an everlasting friendship with each other, and of contributing mutually towards the defence of the Carnatic, and countries dependent thereon; whereby

whereby it was stipulated that the said Company should maintain a military force, and that the said Nawaub should pay annually a certain sum of money arising from the revenues of the Carnatic, and should furnish sufficient and satisfactory security, under certain conditions expressed in the said engagement, for the regular payment of the sum stipulated to the said Company; and whereas it appears by the representations of the said Nawaub, contained in a certain letter addressed by him to the Governor General, &c. &c., dated the 18th of the month Shawal, 1206 Higera (corresponding with the 9th June 1792), that the resources of the Carnatic are not competent to enable him to perform the stipulations in the said engagement; and whereas it further appears that the security which the said Nawaub agreed in the above-mentioned engagement to furnish for the due payment of the stipulated sum to the said Company, is, in its nature, inadequate to the end intended; and whereas certain agreements have also been entered into between the said Company and the said Nawaub, for the discharge of certain debts due by the said Nawaub to private persons, it has been mutually agreed, in consequence of the above-written circumstances, that the engagement aforesaid shall henceforth be considered by the contracting parties as annulled, and no longer of effect or in force; and in lieu thereof the Right Honourable Charles Earl Cornwallis, Knight of the Most Noble Order of the Garter, Governor General, &c., &c., &c., invested with full powers on the part of the said Honourable English East India Company to direct and control the affairs of the said Company in the East Indies, in the name of and for the said Company, their heirs and successors, on one part, and the Nawaub Wallah Jah Ameer-ul-Hind Omdut-ul-Moulk Asoph-ul-Dowlah Unevah-ul-Dheen Khan Behauder Zuffer Jung Sepah Salar Nabob of the Carnatic, in his own name, and for himself *and his successors*, his eldest son Nabob Omdut-ul-Omrah Najun-ul-Moulk Assud-ul-Dowlah Hassein Ally Khan Behauder Zool Sircar Jung, *and his heirs and successors*, on the other part, agreed to the following articles, which shall be binding on the respective contracting parties for the purposes contained therein, notwithstanding all or any of the conditions stipulated in the engagement dated the 24th February 1787 to the contrary.

Article I. The friends and enemies of either of the contracting parties shall be considered the friends and enemies of both.

Article II. In order to execute the foregoing article in its full extent, the Honourable English East India Company *agree to maintain a military force*, and the Nawaub Wallah Jah Behauder agrees *to contribute annually a certain sum* of money, hereinafter-mentioned, as his share of the expense of the said military force; the said Nawaub further agreeing that the disposal of the said sum, together with the arrangement and employment of the troops supported by it, shall be left entirely to the said Company.

Article III. It is hereby also agreed, that for the further security and defence of the countries belonging and subject to the contracting parties in the Carnatic, &c., that all forts shall be garrisoned by the troops of the said Company; and *in the event of war breaking out in the Carnatic*, and countries appertaining to either party, and dependent on the Carnatic or contiguous thereto, it is agreed, for the better prosecution of it, *that as long as it should last, the said Company shall possess full authority over the Carnatic*, except the Jaghires belonging to the family of the said Nawaub, amounting to 2,13,911 star pagodas, which, on condition, * * * *

Article IV. The Nawaub Wallah Jah agrees to pay to the said Company, for the purpose of mutual defence, the sum of nine lacks of star pagodas annually, as his share of the expense for the military force; and also in consequence of certain agreements entered into by him with the said Company, and guaranteed by the Parliament of Great Britain, for the purpose of liquidating certain debts due by the said Nawaub, a further sum of 6,21,105 star pagodas annually, which further sum of 6,21,105 star pagodas shall cease on the full liquidation of the debts above-mentioned, and the sum of 9,00,000 of star pagodas only shall continue to be paid by the said Nawaub to the Company.

* * * * * * *

Article VI. The said Company, *desirous of preserving the rights of sovereignty over the said Poligars to the said Nawaub*, engage to the utmost of their power, and consistent with the realisation of the tributes of peschush from them, to enforce the allegiance and submission of the said Poligars to the said Nawaub, in customary ceremonies, and in furnishing the Poligar Peons, according to established custom, for the collection of the revenues, the support of Government, and for the protection of the property of the inhabitants of the said Nawaub's country, promising that all acts of authority shall be exercised, and all accounts of revenue (of which accounts the said Nawaub, if he so wishes, shall be annually furnished with copies) shall bear his, the said Nawaub's name. For the better execution of this and the fifth article, the said Nawaub promises to furnish to the said Company, that is to say, to their representatives, the President and Council of Fort St. George, the necessary orders, under his seal and signature, addressed to each Poligar, and to the purport hereof, without delay.

* * * * *

Article VIII. The said Nawaub engages to make good to the said Company the payments of the sums, according to the instalments of Kistbundy contained in the seventh article; and *if, contrary to his sincere intentions and exertions, any of the said sums shall not be fully paid*, at the *expiration of fifteen days* from the time limited, in that case the *said Nawaub agrees that the said Company shall assume the management of, and make collection of the revenues from the districts mentioned in the Schedule No. 2*, hereunto annexed, according to the following conditions.

* * * * *

Article X. The said Nawaub shall receive regular information of any negotiation whic shall relate to declaring war or making peace, wherein the said Company may engage, an the interests of the Carnatic and its dependencies may be concerned; and the said Nawau shall be considered as an ally of the said Company in all treaties which shall in any respec affect the Carnatic and countries depending thereon, or belonging to either of the contracting parties contiguous thereto: and the said Nawaub agrees that he will not enter into any negotiation or political correspondence with any European or native power without the consent of the said Company.

Extract from Letter, the Court of Directors to his Highness the Nabob *Omdut-ul-Omrah*, Soubahdar of the *Carnatic*.

To the Nabob of Arcot.

1. We have received your Highness's letter, dated Chepauk House, the 22d October 1795, containing the melancholy tidings of the death of your venerable father the Nabob Wallajah Behauder, and that, in consequence, your Highness had succeeded to the Government of the Carnatic. We sincerely condole with your Highness on the loss you have sustained; at the same time we offer your Highness our unfeigned congratulations upon your accession to the musnud, in virtue of the Treaty of 1792, and assure you of our unalterable friendship and regard.

2. It was with great concern we received the intelligence that your Highness had made some objection to the modification of the Treaty of 1792, proposed by Lord Hobart upon your Highness's accession. *That your Highness had the option to accede to or reject the proposal made to you by Lord Hobart, for a modification of the Treaty of* 1792, *we readily admit*; but permit us to observe, that the leading features of that treaty are, *protection on the one side*, and *security for the payment of a fixed subsidy on the other*.

Extract from Despatch, the Court of Directors to the President and Council at *Fort St. George*.

Political Department.

4 October 1757.

Para. 1. We have requested Lord Mornington to make a short stay at Madras, previous to his proceeding to take upon himself the Government General of Bengal, for the purpose of endeavouring to prevail on the Nabob of Arcot to agree to a modification of the treaty with his Highness in 1792. It were to be wished that the zealous endeavours of Lord Hobart for that purpose had proved successful; and as, in our opinion, nothing short of the modification proposed is likely to answer any beneficial purpose, Lord Mornington will render a most essential service to the Company should he be able to accomplish that object, or an arrangement similar thereto; *but feeling as we do the necessity of maintaining our credit with the country powers by an exact observance of treaties*—a principle so honourably established under Lord Cornwallis's administration, we cannot authorise his Lordship to exert *other powers than those of persuasion, to induce the Nabob to form a new arrangement*.

Official Letter from the Governor General to Lord *Clive*, dated 26 March 1800.

To the Right Hon. Lord Clive, &c. &c. &c.

My Lord,

Having at present under my consideration the state of our relation with the Nabob Omdut-ul-Omrah, and the whole tenor of his Highness's conduct towards your Government, I shall soon be prepared to communicate to your Lordship the final result of my determination on these important subjects. In the meanwhile, the possibility of the sudden contingency of his Highness's death renders it expedient that I should state to your Lordship, in an official form, the opinions and directions which I communicated to you verbally during my residence at Fort St. George, for your Lordship's guidance in the event of the Nabob Omdut-ul-Omrah's death.

Although the Treaty of 1792 was concluded in the name and on the behalf of the Nabob Wallajah and his successors, no obligation of that treaty binds the Company to place or to support on the musnud any individual of the family (if any should be nominated by the reigning Nabob) whose pretensions to the succession may be actually disputed, or may appear questionable.

Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ul-Omrah declares himself to be the father; it is, however, certain that *the mother of this young man is of low origin, and that she was never married to the Nabob*. It is reasonable to believe that the succession of this young man would be *felt as an injury to the rights of the late Ameer's son* by all who might think favourably of the latter's title, and all such persons would undoubtedly use every practicable effort to defeat such a succession.

Under the circumstances, *neither party could claim* our support *under existing treaties*; *and in determining to whom your support shall be granted, we are at liberty to consider the security*

security of Great Britain's interest in the Carnatic, and the general prosperity of the country, and the happiness of its people, as the primary objects both of our right and duty.

On this principle, it is manifest that, *from the candidate whom we* may resolve to raise to the musnud, *we may justly require the most ample pledges for the effectual remedy of the evils which now afflict the Carnatic.*

For this purpose, *the successor of Omdut-ul-Omrah must be required to surrender to the Company, in the most absolute manner, the civil and military administration of the Carnatic,* not retaining possession of a single fortress, nor maintaining any armed force, under any pretext whatever: no other arrangement would be adequate to the attainment of the indispensable objects which have been stated.

The general principles of the late treaty with the Rajah of Tanjore may be made the model of the agreement to be concluded with the successor of Omdut-ul-Omrah; such modifications of that treaty as may be rendered necessary by a variation of circumstances, will readily suggest themselves to your Lordship's mind. The article relative to forts and military establishments, noticed in the preceding paragraph, will admit of no modification. The amount of the provision to be made for the support of the succeeding Nabob, and of the other branches of the family of the late Wallajah, should be regulated with reference to the numbers and rank of the persons to be maintained, and on a scale of reasonable liberality.

Although the elevation of the supposed son of Omdut-ul-Omrah to the musnud would probably be disagreeable to the principal Mussulmen in the Carnatic, I am of opinion that *he might be rendered a better instrument for the accomplishment of the salutary ends proposed* than the son of the late Ameer could be expected to prove. Whenever, therefore, the death of the present Nabob may take place, your Lordship *will place the young man who passes for his son on the vacant musnud, previously requiring his consent to the conditions* generally described in this Despatch, unless any objection to this disposition should occur to your Lordship's mind; in which event, your Lordship will be so good as to state your objections to me immediately after the receipt of this letter.

If the Nabob's supposed son should refuse or delay to subscribe to these conditions within twenty-four hours from the present Nabob's death, you will then give the son of the late Ameer the option of the succession on the same terms. If he also should reject the necessary conditions, your Lordship will immediately proceed to establish the Company's authority in the completest manner throughout the Carnatic; and you will suspend all further negotiation on the subject of the succession till the receipt of instructions from the Governor General in Council.

I am not aware that the Ameer has left more than one son: in the event of his male offspring being more numerous, your Lordship will consider these directions as applicable only to his eldest son; and you will not treat with any younger branch of his family.

Your Lordship will bear in mind the expediency of making a reasonable provision, in any of the cases supposed, for the Nabob's family, and for all natives of distinction and character, as well as for indigent families at present dependent on the sources or bounty of the Nabob of the Carnatic. Any arrangement which may be necessary for this purpose, should take place, if possible, in the same instant with the establishment of the Company's authority throughout the country.

I have, &c.

Fort William, 26 March 1800. (signed) *Mornington.*

EXTRACT from Official Letter from the Governor General to Lord *Clive*, &c., &c., dated 28 May 1801.

(*Most secret.*)

My Lord, * * * * * *

Para. 15. In determining the mode in which it may be expedient to exercise the rights of the British Government, under this discovery of the Nabob's violation of the alliance, our right to establish whatever system shall be judged advisable for administering the civil and military government of the Carnatic *is entirely relieved from the impediments hitherto opposed to the progress of improvement*, by considerations personal to the Nabob, and to his Highness's family. In all the different discussions which have taken place in every modification which has been proposed for the improvement of the connection between the Company and the Nabob of Arcot, *territorial possession* has justly been considered to afford the only adequate security for the military subsidy of the Carnatic. My knowledge of the internal administration of his Highness's affairs convinces me that the resources of the Carnatic can never be faithfully applied to the exigencies of public affairs, while his Highness shall exercise the executive government. I have no hesitation, therefore, in stating my decided judgment, that *no actual security can be established for the rights pledged to the Company in the Carnatic, for the effectual restraint of the adverse and faithless disposition of the Nabob of Arcot, or for the successful introduction of an improved system of finance, revenue, and judicature into the territories subject to the Government of Fort St. George, by any other mode than by administering, through the Company's officers, the entire civil and military government of the Carnatic.*

EXTRACT from Report of the Commissioners appointed to treat for the Treaty of July 1801.

WE then informed the Khans, that the only remedy applicable to the errors of the present government of the Carnatic, was the substitution of one permanent authority, in lieu of the fluctuating authority which had hitherto subsisted; that the appropriation of the resources of the Carnatic, during the government of the Nabob, and under the pressure of actual war, had been found from experience to be incompatible with the objects of the alliance; and therefore *the only adequate security for the right and interest of the British Government in the Carnatic against the dangers* with which they have been menaced, was the *entire and exclusive administration of the civil and military government of the Carnatic.* We accordingly informed the Khans, that *this condition would form the basis of the arrangement* which it was our intention to propose to them. Najeeb Khan observed, that such a proposition was calculated to frustrate the professed object of the arrangement; for, if the entire government of the Carnatic should be transferred to the hands of the Company, *the station of Nabob of the Carnatic would be annihilated.* We replied to the Khans, that the condition now proposed actually existed in the treaties of 1787 and 1792; and that, although the entire civil and military government of the Carnatic had been transferred under the operation of that condition to the exclusive administration of the Company, no doubt was entertained that *the rank and dignity* of Mahommed Ally and Omdut-ul-Omrah, *as the Nabobs of the Carnatic, had been preserved:* we therefore drew this conclusion, *that the* rank and dignity of the Nabob of the Carnatic could not be injured by extending the operation of that condition; and that the object of proposing an amicable adjustment, instead of proceeding to exercise the rights acquired by the British Government, was *manifestly founded on the desire of preserving to the family the rank, dignities, and splendour of the Nabobs of the Carnatic.*

TREATY of 1801.

TREATY for settling the Succession to the Soubahdarry of the Territories of Arcot, and for *vesting the Administration* of the Civil and Military Government of the Carnatic Payen Ghaut in the United Company of Merchants trading to the East Indies.

WHEREAS the several treaties which have been concluded between the United Company of Merchants of England trading to the East Indies, and their Highnesses, heretofore Nabobs of the Carnatic, have been intended to cement and identify the interests of the contracting parties; and whereas, in conformity to the spirit of the alliance, the said Company did, by the treaty concluded on the 12th of July 1792, with the late Nabob Wallajah, relinquish extensive pecuniary advantages acquired by the previous treaty of 1787, with the view and on the condition of establishing a more adequate security for the interests of the British Government in the Carnatic; and whereas subsequent experience has proved that the intention of the contracting parties has not been fulfilled by the provisions of any of the treaties heretofore concluded between them; and whereas the musnud of the subahdarry of the territories of Arcot has now become vacant; and whereas the right of Prince Azeem-ul-Dowlah, Behauder, *founded upon the hereditary right of his father the Nawaub Ameer ul Omrah Behauder, to succeed to the rank, property, and possessions of his ancestors, heretofore Nawaubs of the Carnatic, has been acknowledged* by the English East India Company; and whereas the said Company, and his said Highness the Prince Azeem-ul-Dowlah, Behauder, have judged it expedient that a new treaty shall, at this time, be executed, for the purpose of *supplying the defects* of all former engagements, and of establishing the connexion between the said contracting parties on a permanent basis of security in all times to come: wherefore the following treaty is now established and concluded by the Right Honourable Edward Lord Clive, Governor in Council at Fort St. George, by and with the sanction and authority of his Excellency the Most Noble the Marquis Wellesley, K.P., Governor General in Council of all the British possessions in the East Indies, on behalf of the said United Company, on the one part; and by his Highness the Nabob Walajah Ameer ul Omrah Modaur ul Mulk Ameer ul Hind Azeem ul Dowlah Behauder Shokut Jung Sepah Salar, Nabob Subahdar of the Carnatic, on his own behalf, on the other part, for *settling the succession* to the subahdarry of the territories of Arcot, and for vesting the administration of the civil and military government of the Carnatic in the United Company of Merchants of England trading to the East Indies.

Article I. *The right* of the Nabob Azeem-ul-Dowlah, Behauder, *to succeed to the state and rank, and the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic,* is hereby *formally acknowledged and guaranteed* by the Honourable East India Company to his said Highness Azeem-ul-Dowlah, Behauder, *who has accordingly succeeded to the subahdarry of the territories of Arcot.*

Article II. *Such parts of the treaties heretofore concluded* between the said East India Company and their Highnesses, heretofore Nabobs of the Carnatic, *as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are hereby renewed and confirmed,* and accordingly the friends or enemies of either are the friends and enemies of both parties.

Article III. The Honourable Company hereby charges itself with the maintenance and support of the military force necessary for the defence of the Carnatic, and for the protection of

of the rights, person, and property of the said Nabob Azeem ul Dowlah Behauder; *and with the view of reviving the fundamental principles of the alliance between his ancestors and the English nation*, the said Nabob Azeem ul Dowlah stipulates and agrees, that he will not enter upon any negociation or correspondence with any European or native power, without the knowledge and consent of the said English Company.

Article IV. It is hereby stipulated and agreed, that the sole and exclusive administration of the civil and military governments of all the territories and dependencies of the Carnatic Payen Ghaut, together with the full and exclusive right to the revenues thereof (with the exception of such portion of the said revenues as shall be appropriated for the maintenance of the said Nabob and for the support of his dignity), shall be *for ever* vested in the said English Company; and the said Company shall accordingly possess the sole power and authority of constituting and appointing, without any interference on the part of the said Nabob, all officers for the collection of the revenues, and of establishing courts for the administration of civil and criminal judicature.

Article V. It is hereby stipulated and agreed, that one-fifth part of the net revenues of the Carnatic shall be annually allotted for the maintenance and support of the said Nabob and of his own immediate family, including the Mahal to his Highness the Ameer ul Omrah. The said fifth part shall be paid by the Company, in monthly instalments of 12,000 star pagodas; and whatever circumstance may occur, affecting the net revenues of the Carnatic, the said instalments shall not be less than 12,000 star pagodas. Whatever balance of the said fifth part may remain due at the expiration of each year, shall be liquidated upon the settlement of the accounts, and the said fifth part shall be at the free disposal of the said Nabob, consistently with the principles of the said alliance.

Article VI. The fifth part of the revenues, as stated in the preceding article, shall be calculated and determined in the following manner, viz.: all charges, of every description, incurred in the collection of the revenues, the amount of the jaghire lands, stated in the ninth article in the Treaty of 1787 at 2,13,421 star pagodas, and the sum of 6,21,105 pagodas, appropriable to the liquidation of the debts of the late Mohamed Ally, shall, in the first instance, be deducted from the revenues of the Carnatic; and after the deduction of those three items shall have been made, one-fifth part of the remaining net revenue (including the Polygar Peshcush, which shall always be calculated at the sum of 2,64,704 star pagodas 20 fanams 26 cash, according to the Treaty of 1792) shall be allotted for the maintenance of the said Nabob, and for the support of his Highness's dignity.

Article VII. Whereas it was stipulated by the fourth article of the Treaty of 1792, that the sum of six lacks 21,105 star pagodas should annually be applied to the discharge of certain registered debts, due by the late Nabob Mohamed Ally to his private creditors, under agreements concluded between his Highness and the Honourable Company, and guaranteed by the Parliament of Great Britain, until the said registered debt should be liquidated, the Honourable English Company, accordingly, hereby charges itself with the annual payment of 6,21,105 pagodas from the revenues of the Carnatic, until the remainder of the said registered debt shall be liquidated.

Article VIII. Whereas certain debts are due to the said Company by the ancestors of the said Nabob; and whereas it is expedient, in order that the present treaty may include a complete arrangement of all affairs depending between the said Company and the said Nabob, that an adjustment should be made of the afore-mentioned debts, wherefore the said Nabob formally and explicitly acknowledges the debt, commonly called the Cavalry Loan, amounting, with its interest, to 13,24,342 star pagodos 6 fanams 47 cash, and also the portion of the registered debt heretofore paid by the said Company to the creditors of the late Nabob Walajah (according to the annexed schedule), to be just debts; and whereas, exclusively of the above-mentioned debts, other unadjusted debts also remain, which were referred to the adjustment and decision of the Governor General in Council of Bengal; and whereas the said unadjusted debts have not been determined according to that intention, the said Nabob hereby engages, that whenever the said determination shall be made, his Highness will acknowledge to be a just debt the amount of the balance which shall be so declared to be due to the said Company. It is not, however, the intention of this article to cause any diminution from the fifth part payable to the said Nabob; but, on the contrary, it is specified that no deduction shall be made from the revenue, on any account whatever, excepting the three items stated in the sixth article, previously to the determination of his Highness's proportion.

Article IX. The English Company engages to take into consideration the actual situation of the families of their Highnesses the late Nabobs Walajah and Omdut-ul-Omrah Behauder, as well as the situation of the principal officers of his late Highness's Government; and the British Government shall charge itself with the expense (chargeable on the revenues of the Carnatic) of a suitable provision for their respective maintenance. The amount of the above-mentioned expenses, to be defrayed by the Company, shall be distributed, with the knowledge of the said Nabob, in such a manner as shall be judged proper.

Article X. *The said Nabob Azeem ul Dowlah Behauder shall, in all places, on all occasions, and at all times, be treated with the respect and attention due to his Highness's rank and situation, as an ally of the British Government*; and a suitable guard shall be appointed from the Company's troops for the protection of his said Highness's person and palace.

Article XI. The entire defence of the Carnatic against foreign enemies, and the maintenance of the internal tranquillity and police of the country, having been hereby transferred to the British Government, his said Highness engages not to entertain or employ in his service any armed men without the consent of the British Government, who will fix, in

concert with his Highness, the number of armed men necessary to be retained for purposes of State. Such armed men as his Highness may, in consequence of this article, engage in his service, shall be paid to the exclusive cost and charge of the said Nabob.

Article XII. The Honourable East India Company shall, in conformity to the stipulations of this treaty, enter upon the exclusive administration of the civil and military government of the Carnatic, on the 31st day of July 1801; and his said Highness the Nabob shall issue orders to all his civil and military officers, to transfer the district or districts under their respective charge to such persons as shall be appointed by the said Company to manage the said districts, and also to deliver to the persons appointed all records, accounts, and official papers belonging to their respective cutcherries or offices.

This treaty, consisting of twelve articles, having been executed by Edward Lord Clive, Governor in Council aforesaid, on the one part, and his Highness Azeem ul Dowlah on the other part, is hereby mutually interchanged; the said Edward Lord Clive engaging that a copy of the said treaty shall be transmitted to Fort William, for the purpose of being ratified by his Excellency the Most Noble the Marquis Wellesley, Governor General in Council; and that, as soon as the ratified treaty shall be received from Bengal, it shall be delivered to his said Highness, who will then return to his Lordship the copy which he now receives.

In the hand-writing of Azeem ul Dowlah—

(God is gracious.)

I, Azeem ul Dowlah, having perused and fully comprehended the several articles of the above treaty, have approved and consented to the whole of the said articles. In witness whereof I affix my proper signature,

The Beiz of *Azeem ul Dowlah.*

Separate and Secret Article.

Whereas his Highness the Nabob Azeem ul Dowlah, by the 8th article of the treaty now concluded, has acknowledged the debt called the Cavalry Loan, due by his Highness's family to the said Company, amounting to pagodas; and whereas no account has been yet taken of the public treasure of the late Government, it is stipulated and agreed, that his Highness the Nabob Azeem ul Dowlah shall immediately enter upon an investigation of the state of the public accounts and treasure; and that if, in communication with the British Government, the said treasure shall be found adequate to the purpose, a portion of it shall be immediately applied to the entire liquidation of the said debt called the Cavalry Loan, in ready money.

In the hand-writing of Azeem ul Dowlah—

(God is gracious.)

I approve and consent to this separate and secret article. In witness whereof I affix my proper signature,

The Beiz of *Azeem ul Dowlah.*

Orders published to the Settlement of Fort St. George, dated 31 July 1801, relative to the above Treaty.

Revenue Department.

Proclamation.

I. Whereas the object of the connection subsisting between the Honourable Company and their Highnesses, heretofore Nabobs of the Carnatic, was intended to cement the union and alliance between the contracting parties, and to establish, on a solid foundation, the security and rights of the said contracting parties in the territories of the Carnatic; and whereas the several engagements concluded for that purpose *have failed to answer the intention of the contracting parties,* whereby the form of government throughout the provinces of the Carnatic has been subjected to changes injurious to established opinions, to general confidence, and to permanent prosperity; and *whereas the musnud* of the subahdarry of the territories of Arcot *having become vacant,* his Highness the Nabob Walajah Ameer ul Omrah Modaur ul Mulk Ameer ul Hind Azeem ul Dowlah Showku Jung Sepah Salar Anweer ud Deen Khan Behauder, *has succeeded by the hereditary rights of his father, and by the full acknowledgment of the Honourable Company, to the possession of the said musnud:* wherefore his said Highness the Nabob Azeem ul Dowlah Behauder, and the said Company, being *desirous of correcting such errors* as have been heretofore introduced into the government of the Carnatic, and of *supplying the defects of all former engagements* between the said contracting parties; and being also anxious to give full vigour and efficiency to the government of the Carnatic, with a view to fix the rights of the people and the interests of the State on a broad and stable foundation, *have mutually, and of their own accord, agreed,* by a treaty bearing date the 31st of July 1801, that all former provisions for securing a partial or temporary interference on the part of the Honourable Company in the government, or in the administration of the revenues of the Carnatic, shall be entirely annulled; and that, *in lieu*

lieu thereof, a permanent system for the collection of the revenue, and for the administration of civil and criminal judicature, under the sole and undivided authority of the Honourable Company, shall be established throughout every village, purgunnah, and province, of the entire territories of the Carnatic.

II. Now proclamation is hereby accordingly made to all zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of every description of the Carnatic, that the Honourable Company have, by the treaty above mentioned, acquired a perfect right to ascertain, determine, and establish rights of property, to fix a reasonable assessment upon the several purgunnahs and villages of the Carnatic, and to secure a fixed and permanent revenue, to be collected and accounted for by such officers as shall from time to time be appointed for that purpose by the said Company. And it is further published and declared, that the said Company have also acquired a perfect right to establish courts for the due administration of civil and criminal judicature, under the sole authority of the said Company, which said courts shall be conducted by officers to be appointed from time to time by the said Company, under such ordinances and regulations as shall from time to time be enacted and published by the Governor in Council of Fort St. George.

III. And whereas his said Highness the Nabob Azeem ul Dowlah Behauder has divested himself, by the treaty above mentioned, of all control, authority, or interference in the collection of the revenue, or in the administration of civil and criminal judicature: wherefore all zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of the Carnatic, are hereby required to take notice of the same accordingly. And it is hereby further proclaimed and declared, that the engagement now entered into between the contracting parties for the purposes above mentioned are unconditional, and *liable to no change whatever.* Therefore the said zemindars, jaghiredars, talookdars, polygars, cavilgars, and inhabitants of the Carnatic, are required to take notice that the right and power of fixing and collecting the revenue, as well as of administering civil and criminal judicature throughout the provinces, purgunnahs, and villages of the Carnatic, are vested in the said Company alone, *as long as the sun and moon shall endure.*

IV. Wherefore all zemindars, jaghiredars, talookdars, polygars, cavilgars, officers and inhabitants of the Carnatic, are severally and collectively required, *by virtue of the rights and powers acquired to the said Company by compact with the present lawful Nabob of the Carnatic,* his Highness the Nabob Azeem ul Dowlah Behauder, to yield due obedience to such officers as may be appointed, and to such ordinances or laws as may be enacted by the said Company alone, for the administration and government of the territories of the Carnatic, and in all time to come.

V. Although the Right Honourable the Governor in Council trusts that the experience which the inhabitants of the Carnatic have already had, will have rendered it unnecessary for his Lordship to explain the general principles of moderation, justice, protection, and security, which form the characteristic features of the British Government; yet his Lordship, in accepting the sacred trust transferred to the Company by the present engagements, invites the people of the Carnatic to a ready and cheerful obedience to the authority of the Company, in a confident assurance of enjoying, under the protection of public and defined laws, every just and ascertained civil right, with a free exercise of the religious institutions and domestic usages of their ancestors.

By order of the Right Honourable the Governor in Council.

(signed) *J. Webbe,*
Chief Secretary to Government.

Fort St. George, 31 July 1801.

ALTERATIONS on Treaty of 1801.

"AND whereas the musnud of the Soubahdarry of Arcot having become vacant, the Prince Azeem-ul-Dowlah Behauder has now been established by the English East India Company in the rank, property, and possessions of his ancestors, heretofore Nabobs of the Carnatic; and whereas the said Company and his Highness the said Prince Azeem-ul-Dowlah Behauder have judged it expedient that additional provisions should at this time be made for the purpose of supplying the defects of all former engagements, and of establishing the connexion between the said contracting parties on a permanent basis of security *in all times to come:*" *See* Preamble, *supra.*

"Article 1. The Nabob Azeem-ul-Dowlah Behauder is hereby formally established in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nabobs of the Carnatic, and the possession thereof is hereby guaranteed by the Honourable East India Company to his said Highness Azeem-ul-Dowlah Behauder, who has accordingly succeeded to the Soubahdarry of the territories of Arcot." *See* Art. i, *supra.*

SEPARATE EXPLANATORY ARTICLES.

Note.—It does not appear whether the Nawaub signed these Articles.

Separate Explanatory Articles annexed to the Treaty for settling the Succession to the Soubahdarry of the Territories of Arcot, and for vesting the Administration of the Civil and Military Government of the Carnatic Payen Ghaut in the United Company of Merchants of England trading to the East Indies.

Article 1. WHEREAS it is stipulated by the fifth article of the treaty that the sum to be appropriated to the support of the dignity of his Highness the Nabob Azeem-ul-Dowlah Behauder shall be calculated at one-fifth part of the net revenues of the Carnatic; and whereas the improvement of the said revenues, which, under Providence, may be expected to arise from the effects of the present arrangement, may render the said fifth part greater than will be necessary to the purposes intended by the contracting parties, it is hereby explained, for the better understanding of the fifth article of the treaty, that whenever the whole net revenue of the Carnatic, including the sums to be deducted, according to the sixth article of the treaty, shall exceed the sum of 25 lacks of star pagodas, then and in that case the fifth part of such surplus shall be applied to the repair of fortifications, to the establishment of a separate fund for the eventual exigencies of war, or to the military defence of the Carnatic, in such manner as may be determined by the Governor in Council of Fort St. George, after the previous communication to his Highness the Nabob Azeem-ul-Dowlah.

Article 2. Whereas it is stipulated in the sixth article of the treaty that the sum of 2,13,421 pagodas on account of jagheer, and the sum of 6,21,105 pagodas on account of the private debts of the Nabob Mohamed Ally, shall be deducted from the amount of the net revenue, previously to the determination of the proportion to be paid to his Highness the Nabob; it is, nevertheless, hereby explained that it shall not be incumbent on the Honourable Company to appropriate lands yielding a revenue to the said amount of 2,13,421 pagodas, but that the said Company shall be at liberty to exercise its discretion in the mode and on the extent of the provision to be made, according to the ninth article of the treaty, for the support of the family and principal officers of the Nabob Mohamed Ally, and of the Nabob Omdut-ul-Omrah. And it is farther explained, that, notwithstanding the liquidation of the private debt of the Nabob Mohamed Ally, or of the debt due to the Honourable Company, the said sum of 6,21,105 pagodas shall always be deducted from the net revenue, and shall in no case be included in the net revenue, previously to the determination of the share to be allotted to his Highness the Nabob Azeem-ul-Dowlah Behauder, it being the intention of the contracting parties that the said sum of 2,13,421 pagodas, and the said sum of 6,21,105 pagodas, shall be considered to be permanent deductions, *in all times to come*, from the revenue of the Carnatic.

(signed) *Clive.*
J. Stuart.
W. Petrie.
E. W. Fallofield.

By the Right Honourable the Governor General in Council.

(signed) *J. Webbe,*
Chief Secretary to Government.

TRANSLATION of a Letter from the Nawaub *Azeem-ul-Dowlah* to the King of Great Britain, &c. &c. &c.

ON the 15th July 1801 my respected uncle departed from the stage of this transitory life to the world of eternal duration; in consequence of which event your Majesty's representatives, that is to say, the Governor in Council of Madras, *in virtue of my right of inheritance*, derived from my grandfather and father, were pleased to instate me in the musnud of the Government of the Carnatic.

I offer my gratitude and acknowledgment to your Majesty's Governors, and consider myself, by heart and soul, pledged to your royal favour.

I hope that your Majesty's protection and royal regard will in every respect be bestowed upon me, as it was on my venerable grandfather.

TRANSLATION of a Letter from the Nawaub *Azeem-ul-Dowlah* to Lord *Clive*, &c.

(Extract.)

IT is my wish, in conformity with established usage, to send arzdash with nuzzars to the King of Delhi, and the Shazadah, upon the occasion of my ascending to the musnud, which has been entirely owing to your Lordship's kindness; and I therefore enclose two drafts of the arzagashts for your Lordship's perusal, which, if they meet your Lordship's approbation, I will, with your permission, have copied fair, and forward them by aircarrahs to Delhi.

TRANSLATION

TRANSLATION of an Arzdasht from the Nabob *Azim-ul-Dowlah*, &c. &c., to the Presence of his Majesty the Emperor *Shah Allum* (without date).

THIS worshipper of the shrine of true fidelity, and pilgrim in the path of firm allegiance, at all times makes his prayers for the permanence of your Majesty's eternal dominion, the lesson of his tongue, and his supplication for the prolongation of the illustrious, angelic, and world-protecting shadow of your royal person, the talisman of his soul.

This duty he considers his supreme happiness, nay, the most important part of his religion.

Influenced by the ardour of attachment, he ventures to represent, that on the departure of his uncle Omdut-ul-Omrah from this transitory world to that of perpetual duration, he (the faithful representator) by the *support and assistance* of the Managers of the Honourable English Company (who are staunch in their allegiance to the ministers of your imperial throne), *in virtue of the rights of his father and grandfather, was established in the government of the territories of the Carnatic.*

The tribute of gratitude he ascribes to that majesty, like the tree of paradise, replete with blessings, and transmits a nuzzar of 121 ashulsies to the resplendent presence, by the acceptance of which he hopes to be honoured.

TRANSLATION of an Arzee to the Presence of the Prince *Akber Shah*, from the Nabob *Azim-ul-Dowlah*, &c. &c. (without date).

HAVING made the salutations of fidelity the plume of the head of allegiance, it is represented at the place of audience, where the servants of the presence kiss the verge of the carpet of munificence, that this attached dependant, who, like his father and grandfather, treads with firm and undeviating step in the paths of obedience and fidelity, has lately, on the event of the death of his uncle Omdut-ul-Omrah, through the *support and assistance of the Managers of the Honourable English Company, and agreeably to the ancient line of inheritance, succeeded* to the government of the territories of the Carnatic, and is grateful for the endless favours of his Majesty the shadow of God.

He has despatched an arzdasht with a nuzzer to the resplendent presence, and trusts, that by means of the servants of the presence, his Highness will have the goodness to cause it to be laid before his Majesty.

EXTRACT from Declaration by Lord *Clive*, dated 18 December 1801.

When the Nabob Azeem-ul-Dowlah was raised to the rank of Nabob of the Carnatic, his Highness succeeded to the rights of his illustrious ancestors heretofore Nabobs of the Carnatic. During a long period of time those rights have been exercised within the jurisdiction of the British Government; and every member of the family knows that the British Government never interfered, otherwise than by the interposition of its friendly offices, in the internal arrangement of their Highness's domestic economy. One of the most memorable events which could have required such an interference was the death of his late Highness the Ameer-ul-Omrah (of blessed memory); but it is intimately known to some of the most respectable persons who have signed the present representation, that the Nabob Mohamed Ali (who is in Heaven) exercised on that occasion the full and undisputed right of *an independent sovereign,* according to the Mahomedan laws, unqualified by his Highness's existing engagements with the British Government.

The principles of the engagements existing at that period of time were similar to those of the treaty by which the Nabob Azeem ul Dowlah (whom God preserve!) has made himself the instrument of *restoring the foundation of alliance* with the British Government, and of the *rank and dignity of this new illustrious family.* It is, therefore, incumbent on the British Government to respect the rights acquired to his Highness by the late treaty; and it is my especial duty to *resist every attempt* which may be made to encroach on those rights, *or to violate the principles of the alliance now firmly and perpetually established.*

DECLARATION of the Governor in Council of Fort St. George, dated 1st February 1803.

WE, the undersigned, the Governor in Council of Fort St. George, do hereby certify, that the Nabob Wallajah Ameer-ul-Omrah Madar-ul-Mulk Ameer-ul-Hind Azeem-ul-Dowlah Anwer-ul-Deen Cawn Bahadur Shokut Jung Sepah Salar, Soubadar of the Carnatic, is *acknowledged and recognized by our said Government* as an independent prince, *the Soubadar of the Carnatic Payen Ghaut, and an ally of our said Government*; and we do farther certify, that from the year 1768, hitherto, his late Highness the Nabob Wallajah, his late Highness Omdut-ul-Omrah, and his Highness the said Azeem-ul-Dowlah, being successively Soubadars of the Carnatic, and allies of the Government of Fort St. George, have severally, with their respective families, resided, and his Highness the said Azeem-ul-Dowlah doth now reside, with the approbation of the Government of Fort St. George, near Madras, and within the

territories dependent upon the side of Government, for the purpose of carrying on, in concert with the Government of Fort St. George, the common and united interests of the said Government, and of the said several successive Soubahdars of the Carnatic Payen Ghaut, as such allies.

(signed) *Clive.*
Wm. Petrie.
M. Dick.

Fort St. George, 1st February 1803.

Installation of Azum Jah.

The installation took place upon 3d February 1820 :—

The troops in garrison were paraded at an early hour; and with the horse artillery from St. Thomas' Mount, formed a street leading to Chepauk Palace. Shortly after 8 o'clock, the Right Honourable the Governor, accompanied by the Honourable the Chief Justice, his Excellency the Commander in Chief, the members of the Council, the Honourable Sir E. Stanley, and other functionaries of the Government, proceeded to Chepauk, escorted by the body guard, and was received by the Nawaub Azum Jah in the grand saloon of the palace. His Highness was here invested by the Right Honourable the Governor with the various insignia of his elevated station. He was then conducted to the foot of the musnud. The Right Honourable the Governor thereupon addressed his Highness; and, in the course of his address, said, "It is with infinite satisfaction I have the honour to congratulate your Highness upon your ascending the musnud *in the direct line of hereditary succession to your late father*, of blessed memory. By virtue of the treaty concluded on the 31st of July 1801, between the Nabob Azeem ul Dowlah and the Honourable East India Company, a princely income was secured to your much lamented parent, together with the enjoyment of certain privileges and immunities attached to his elevated rank. Under the sanction of the Most Noble the Governor General, and your acknowledgment of the validity of the treaty, its stipulations are now declared to be equally binding upon your Highness, as they were upon the late Nabob and the British Government."—*Extract from Asiatic Journal*, 1820, p. 389.

Accession of *Gholam Mahomed Ghouse Khan.*

"His Highness Gholam Mahomed Ghouse, only son of his late Highness Auzum Jah Bahadur, was, on the 23d December, proclaimed successor to his deceased father, in the rank and title of Nabob Soubahdar of the Carnatic. During the minority of the Nabob, the affairs of the Durbar will be conducted by his Highness Azeem Jah Bahauder, brother of the late Nabob, with the title of Naib-i-Mooktar."—*Extract from Asiatic Journal*, 1826, p. 793.

Memorial of his Highness Prince *Azeem Jah.*

To the Honourable the Court of Directors of the East India Company, &c. &c. &c.

Honourable Sirs,

I have the honour to bring to the notice of your Honourable Court, that his Highness Gholam Mahomed Ghouse Khan Bahadoor, late Nawaub of the Carnatic, having deceased on the 7th October 1855, without issue, in consequence of which, being the second son of his Highness Azemood Dowlah by his first Shadee Begum, I stand in the position of heir and successor to his late Highness, who was my nephew, he being the son of my elder brother Prince Azum Jah, according to the custom and law of Mahomedan succession.

2. That on the 10th October I notified the demise of the late Nawaub to the Government agent at Chepauk, whom I desired to bring to the notice of Government my claim to my late nephew's succession under the Treaty of 1801, concluded between the Honourable East India Company and my father, the said Nawaub Azeemood Dowlah; and, on the 19th November I was informed, through the same channel, that the Government decline to recognise my claim as successor to his Highness the late Nabob of the Carnatic, and the whole question in regard to the vacant musnud will be reported by the next mail to the Honourable the Court of Directors, for their consideration and orders.

3. That although extremely regretting the Government of Madras should have declined acknowledging my rightful claim, I am nevertheless confident in the assurance that the reference to your Honourable Court will eventuate in my favour, from the circumstance that my right to the succession has been already officially acknowledged and recorded by your Honourable Court in a public letter to the Madras Government, dated the 14th January 1829, in reply to a communication from that authority, notifying the appointment of Dr. Scott as physician to the Durbar of the Nawaub, now recently deceased; and my appointment as a Naib-i-Mooktear to my infant nephew; and wherein your Honourable Court express your approval of the former proceeding, on the ground of the Naib-i-Mooktear being the next heir in case of his demise; which event having now taken place, I cannot doubt but

but that, in the judgment and decision of your Honourable Court, I must be duly and regularly admitted as the next heir, and consequently indisputably entitled to the succession to the musnud, thus rendered vacant by my nephew's decease: and your Honourable Court being in this case the paramount authority, it is hardly necessary for me to advert to the more recent recognition of my claim by the Most Noble the Marquis of Tweeddale, Governor in Council of Fort St. George, in the year 1843, who, in a minute having reference to the exemption list of the relatives of his Highness the Nawaub, ordered a remarkable alteration to be made in that list, with the following remarks: his Lordship in Council observed that Prince Azeem Jah Bahadoor (the late Naib-i-Mooktear) does not hold that place in List No. 1 to which he is entitled, in consideration of the position he has lately occupied in communication with the British Government, and that which he still holds in relation of his Highness the Nawaub, and to his succession to the musnud. It is therefore resolved that the name of Prince Azeem Jah Bahadoor be placed first in the list of the male relations of his Highness the Nawaub.

4. That although the above acknowledgment recorded by your Honourable Court, and thus acted upon by your Government of Fort St. George, is amply sufficient to establish the claim I have advanced, I beg leave to make a slight reference to the conditions of the Treaty of 1801, entered into with my father, the Prince Azeemood Dowlah, when the right of succession was transferred from the family of Nawaub Omdut ool Omrah to the said Prince Azeemood Dowlah, the founder of that branch of the family, of which I am the present heir and representative.

5. That by the first article of this treaty the Prince Azeemood Dowlah is formally established in the state and rank (with the dignities dependent thereon) of his ancestors, heretofore Nawaubs of the Carnatic; one essential part of that dignity being, that the succession to the said state and rank is hereditary, having been so specified in the Altumgah of his Majesty the Emperor of Delhi, granted to the Nawaub Wallajah, whose father, Anwar-u-Deen Khan, was the original Nawaub and Soubbahdar of Arcot.

6. That by the second article of the treaty it is declared, by and on behalf of both the high contracting parties, that such parts of the treaties heretofore concluded between the said East India Company and their Highnesses, heretofore Nawaubs of the Carnatic, as are concluded to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are thereby renewed and confirmed; and as the treaties alluded to are declared to be binding on the heirs and successors of both the contracting parties, and as the interests of one of those parties at least, and his heirs and successors, is inseparably bound up with the continuance of the said rank, state and dignities, I cannot but conclude, that although the Madras Government has temporarily declined to acknowledge my claim to the succession, yet my title thereto is too clear and too strong to admit of question, and therefore will be honourably recognized and confirmed by your Honourable Court; and the more readily, as your Honourable Court's admission of the validity of such title has been placed on the public records of the State.

7. That as a proof that the Government of India consider the provisions of the treaty as descending along with the succession to the heirs of the Nawaub, I beg to quote an extract from a letter of the Government agent to my brother, the father of the late Nawaub, dated the 13th December 1819, conveying the opinion of the Governor General in the following terms:—"His Lordship conceives a new treaty between his Highness and the Company to be unnecessary, as he considers his Highness to be *ipso facto* a party to the treaty concluded with his father in 1801;" whence it follows that, as the predecessor of the late Nawaub was a party to the treaty, as the heir of Nawaub Azeemood Dowlah, the late Nawaub was also a party to it, as the heir of Nawaub Azum Jah; and, consequently, in virtue of my heirship to my nephew, I must likewise be considered a party to the Treaty of 1801, and associated with its provisions.

8. That by the fourth, fifth and sixth articles of the treaty, the contracting parties stipulate and agree on the interchange of reciprocal advantages as follows:—That the British Government shall, in virtue of this document, assume the administration of the civil and military government of the Carnatic, with a right to all the revenues thereof, save and except such portion of the revenues as shall be appropriated for the maintenance of the Nawaub, and the support of his dignity and that of his immediate family; the precise amount of which is declared to be one-fifth part of the net revenues; and I beg respectfully to urge the observation, that the mutual advantages thus detailed are the result of the distinct stipulation and agreement with the averment of which the fourth and fifth articles are headed and commenced, their validity on both sides being established by the joint and mutual consent of the contracting parties, neither of which can be competent to make any alteration in them without the concurrence of the other.

9. That the revenue assigned for supporting the dignity of the Nawaub and his family is as firmly and irrevocably guaranteed and secured in its full integrity to the heirs of his said family, as the administration of the Carnatic and the appropriation of the rest of its revenues are to the heirs of the East India Company, the former being assigned by the tenor and language of the treaty as the equivalent for the latter; and only so long as the said stipulation and agreement retains its force with regard to the former engagement, can it pass any force with respect to the latter; and as long as the East India Company continues to possess and enjoy the administration and revenues of the territories of the Carnatic, so long are the Company bound by every consideration of good faith and honest dealing, of British honour and national morality, to abide by the terms of the treaty under which these superior advantages have been acquired, and continue to be retained by them.

10. Having thus detailed my reasons for considering that the Treaty of 1801 justifies and upholds my claim to the musnud of the Carnatic, and that my construction of the treaty, as establishing the hereditary right to it in my family, has been adopted and officially recorded by the Governor General to your Honourable Court and the Government of Madras; for these several recognitions I conceive are based on the conditions and tenor of the said Treaty. I will lastly refer to the recognition of his late Majesty King George the Third, in a short quotation taken from a letter addressed by his Majesty to the Nawaub Azeemood Dowlah, my father, dated at "Our Court at St. James's the 27th day of January 1804, and in the 44th year of our reign. We congratulate your Highness on your accession to the musnud of your ancestors, on which may you long remain with honour and happiness. Your Highness may be assured that we shall seize every occasion of affording you proofs of regard, and of continuing to your Highness and to your family our especial friendship and protection."

11. That, if your Honourable Court could be induced to coincide with the apparent object of the Madras Government in setting aside the Treaty of 1801, and your own unambiguous recognition of my title in the public Despatch above quoted, no other alternative appears to remain to your Honourable Court than that of reducing the present descendants of the Prince with whom the treaty was contracted, by which the East India Company have obtained the wide territories and rich revenues of a valuable portion of British India to the miserable, degraded and uncertain position of helpless pensioners on the precarious bounty of the Government, a condition which it was the desire and intention of Lord Clive and the Council of Madras, during whose administration the treaty was framed and concluded, to prevent and avert, and who, with reference to this particular arrangement, observe, in their Despatch to the Secret Committee of your Honourable Court, dated the 3d August 1801-15, "The mode of providing for the support of the dignity of his Highness the Nawaub Azeemood Dowlah is conformable to the principles on which the alliance between his Highness's family and the Company has been received and established. By these means the interests of his Highness will become united with those of the Company in the general prosperity of the Carnatic; and, while the actual security of the British interests provided by the present arrangement remains undiminished, the mode of supplying a fund for the expenses of the family in the manner suitable to its rank and to the dignity of the British Government, by the allotment of a proportion of the public revenues for that purpose, is entirely relieved from the degrading name and appearance of a stipendiary maintenance."

12. That I have made use of the above arguments on the supposition that the objection of the Government is referrible only to the tenor of the Treaty of 1801; but as it is within the range of possibilities that a second objection may be advanced under the idea that the uncle cannot be his nephew's successor according to Mahomedan law, as he can be by the laws of Europe and Christianity, I beg to adduce an instance to the contrary, of the recent date of 1837, in which year Nusserood Deen Hyder, the King of Oude, was succeeded by Nusseeood Dowlah, his uncle, the grandson of whom is the present King, both having succeeded to the throne with the knowledge and sanction of the Supreme Government.

That, having thus argued the propriety of my claim as based upon the treaty and the attestations of your Honourable Court and the Governor in Council of this Presidency, and shown that the Mahomedan custom and law are in support of it, as well as British law and practice, I finally commend myself and my claim to the generous and favourable consideration of your Honourable Court, and have the honour to subscribe myself.

MINUTE of the Honourable Court of Directors.

1. THE Governor General's letter in the Foreign Department, dated 14th November 1855, and the political letters from the Madras Government, dated the 12th October, the 20th November, and the 4th December 1855, report to us the death, *without direct heirs*, of his Highness Mahomed Ghouse, Nabob of the Carnatic, and communicate the views of the Governor General and of the Governor in Council at Madras respecting the consequences of that event.

2. In the opinion both of the Governor General and of the Madras Government, the dignity of the Nawaub of the Carnatic has expired; the treaties between the British Government and the successive heads of the family of Wallajah are at an end; the British Government are under no obligation to recognise any person as successor to the rights hitherto enjoyed under those treaties; and, expediency being wholly against such recognition, these authorities are unanimously of opinion that it ought not to take place.

3. We have carefully examined the past history of the relations of the British Government with this family, and have bestowed on the important question referred to us the earnest deliberation due to all questions which can be supposed to involve considerations of public faith.

4. We find that when, in 1801, the representative of the junior branch of the family of Walajah was placed on the musnud by the act of the British Government, a formal announcement was made to the following effect: The conduct of the two previous Nawabs, Walajah and Omdut ul Omrah, had placed them in the position of public enemies of the British

British Government; that all antecedent right of the family had been forfeited; and that the Nawab Azeemood Dowlah was solely indebted for his titular sovereignty, and for the pecuniary and other rights annexed to it, to the grace and favour of the British Government.

5. We find that Azeemood Dowlah fully acknowledged this fact; and that the original draft of treaty prepared by the Madras Government having contained words implying that the British Government did not confer a new, but recognized a pre-existing right, those words were, on that express ground, by the desire of the Marquis Wellesley, struck out, and others substituted which did not contain that implication.

6. The rights of the family being thus derived from the Treaty of 1801, are necessarily limited by its terms, and those are exclusively personal to Azeemood Dowlah. There is no mention in the treaty of heirs and successors, nor any stipulation respecting descendants. Two successions, indeed, have since taken place; but on each of these occasions the question was regarded and treated as one subject to the decision of the British Government. On the first of these occasions, the Governor General acknowledged the son of Azeemood Dowlah as his successor in the mark and title of Nawaub of the Carnatic; but the meaning of that ambiguous term was cleared up by the declaration, His Excellency is pleased *to resolve* that the pecuniary provisions of the Treaty of 1801 shall remain in force. On that last vacancy the family were expressly informed that "*it is the intention of Government* that the late Nawaub shall be succeeded in his state and dignity by his infant son." It was thus distinctly held that the Government might have refused its assent to the succession even of a direct heir, and on the present occasion there are no direct heirs.

7. In the circumstances, there cannot be any obligation on the British Government to continue the provisions of the Treaty of 1801 in favour of any collateral relative of the deceased Nawaubs; while, in the absence of obligation, we entirely agree with the Madras Government in the opinion, that it would be highly inexpedient to do so. Such titular sovereignties, and the exemption they are held to confer from the common operation of the law, are always an evil, and in the present case their effect has (as was truly observed by Lord Harris), been morally most pernicious, "not only by favouring the accumulation of an idle and dissipated population in the chief city of the Presidency," but by the scandalous want of principle evinced in pecuniary matters, both by the late Nawaub and by his uncle, Azeem Jah, the nearest collateral relative.

8. Azeem Jah has addressed to us a memorial, in which he professes to consider his right to the musnud as having been admitted by the Madras Government and by us. He cites with this view an expression in the resolution of Government in 1843: "The position which he holds in relation to his Highness the Nabob, and to his succession to the musnud;" and a passage from one of our letters to the Madras Government, dated 14th January 1829, in which he is spoken of "as the next heir," in case of the Nabob's demise. The subject then before us was not the succession to the musnud, but the appointment of a physician to the young Nabob, and we had no intention whatever of entering into the question, what might be Azeem Jah's rights of inheritance. As the nearest of kin, we spoke of him as the heir to whatever could be legally derived from the Nabob by inheritance; but the nabobship had never been considered by us to be heritable by heirs of right.

9. We therefore fully adopt the opinion of the Governor General and of the Madras Government, that the title and dignity of Nabob, and all the advantages annexed to it by the Treaty of 1801, are at an end.

The 10th and 11th paragraphs of the Despatch refer to the provisions proposed to be made for his Highness Prince Azeem Jah and the officers of the late Nawaub's household, and others, by way of allowances and pensions, and to the payment of the debts of the late Nawaub.

12 (and last para. of the Despatch). We perceive that, in the contemplation of the Madras Government, the Palace of Chepauk will at once be at the disposal of the State as public property. Sir Henry Montgomery says that it was mortgaged, which might imply that it was considered to be private property. You will institute further inquiries upon this point; but, whatever may be the correct view of the subject, we do not wish to see the ladies of the Nabob's immediate family deprived, against their inclination, of the privilege of residing in that edifice; and the most liberal consideration should be given to any claims they may prefer to portions of the personal property contained in the building.

No. 18.—Political Department.

From the Madras Government to the Secretary of State for India.

My Lord,

Dated 4 June 1859. We do ourselves the honour to forward to you the accompanying copy of a minute recorded by our President, relative to the renewal of intercourse between Prince Azeem Jah and his Excellency the Governor.

We have, &c.
(signed) *C. E. Trevelyan.*
Patrick Grant.
Walter Elliot.
Fort St. George, 7 June 1859. *W. A. Morehead.*

(No. 12.)

Minute by the Honourable the President, dated 4 June 1859.

On my arrival at Madras, I received a polite letter of congratulation from Prince Azeem Jah, who was formerly Naib-i-Mukhtiyar, or regent for his nephew the late Nawab, and a pension of a lac of rupees a year, afterwards increased to a lac and a half, was assigned to him when the Nawabship of the Carnatic was brought to a close on his nephew's death, in October 1855.

Upon being informed that there had for some years been a suspension of intercourse between Prince Azeem Jah and the Governor, I directed only a verbal answer to be returned through Dr. Balfour, the agent for Chepauk, until I should be able to judge for myself.

It soon became apparent to me that, although he had been guilty of extravagance or worse in the administration of his nephew's affairs, Prince Azeem Jah had not committed any offence which deserved that he should be placed under a permanent ban; and it was obviously expedient that the chronic state of estrangement between the Government of Madras and the Mahomedans of Triplicane, which had caused so much anxiety of late years, should be brought to an end, and that the former amicable relations between the Carnatic family and the European society of Madras should be restored.

Renewed advances on the part of Azeem Jah enabled me to send him a message, through the agent, that in my opinion it would conduce to the tranquillity of his remaining years if he abandoned the chimerical idea of the restoration of the Nawabship, and accepted his position as the first native nobleman at Madras, in which case I should be happy to commence my intercourse with him on that footing, and to treat him with becoming honour; and I sent him the same kind of invitation to the ball about to be given in celebration of Her Majesty's birthday which was sent to the rest of the society of Madras. Prince Azeem Jah cordially responded to this overture, and came to the ball, where I received him with the same attentions which I had been accustomed to pay to native noblemen of his rank at Delhi and Calcutta; other members of the family were also present at the entertainment. Dr. Balfour has since informed me that Azeem Jah is highly pleased at what has taken place, and that he perfectly understands and acquiesces in his new position.

(signed) *C. E. Trevelyan.*

Order thereon, 6 June 1859, No. 346.

(No. 13.)

Ordered, that a copy of the foregoing minute be transmitted to the Right Honourable the Secretary of State for India by the next steamer.

(signed) *T. Pycroft,*
Chief Secretary.

No. 22.—Political Department.

EXTRACT Letter from the Secretary of State for India to the Governor in Council, Madras, dated 8 December 1859.

13. HER Majesty's Government have observed with much satisfaction that Prince Azeem Jah, the present head of the Carnatic family, has responded to your proper invitation to abandon the chimerical idea of the restoration of the Nawabship, and to accept his position as the first native nobleman in Madras. I approve your having permitted his Highness, in accordance with the orders of the late Court of Directors, to entertain the military guard formerly maintained by him.

EAST INDIA
(NAWAUBS OF THE CARNATIC)

PAPERS

RELATING TO THE

NAWAUBS OF THE CARNATIC.

(*Mr. Layard.*)

Ordered, by The House of Commons, *to be Printed,*
27 *May* 1861.

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EAST INDIA (OUDE).

PAPERS

RELATING TO THE

ADMINISTRATION OF OUDE.

(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1861.

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PAPERS RELATING TO THE ADMINISTRATION OF OUDE.

Political Department.

The Secretary of State for India to the Right Honourable the Governor General of India in Council, dated the 13th October, No. 4 of 1858.

Para. 1. The last Despatch addressed to your Government on the general affairs of Oude, was dated on the 10th December 1856.* At a subsequent period, a Despatch reviewing considerably in detail all the principal incidents of the administration of the province, during the Commissionership of Mr. Coverley Jackson, was under preparation by the Court of Directors of the East India Company when the disturbances in the North-Western Provinces of India, to which the peculiar circumstances of Oude naturally imparted extraordinary local virulence, rendered many of the remarks which it was proposed to make on the state of the country and the progress of British rule, altogether unsuited to the altered circumstances of the times.

India Foreign Letters. 17th May (54) 1856.
3d June (59) ,,
17th ,, (63) ,,
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22d ,, (61) ,,
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except paras. 20 to 24.
22d March (17) ,,
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Gov.-General Secret Letters 15th April (13) ,,
16th ,, (13A.) ,,

N. W. P. Judicial Criminal Narr. for 2d Qr. of 1856, para. 22.

2. The Despatch above noted was written under the not unreasonable hope that the favourable appearances which were indicated in the earlier months of our administration, would, under the progress of time and circumstance, continue to satisfy the expectations of the British Government. But this hope has been disappointed, and it has now become the duty of that Government to consider in what manner, if at all, the disastrous events of 1857, so far as they were connected with Oude, are to be attributed to, or could have been averted by, the measures of your Government, or the acts of the local officers, during the first year of your administration of the province.

3. In prosecution of this object, I propose to consider, firstly, whether there was any failure to give effect to the benevolent intentions declared in your letter of instructions of the 4th February 1856, wherein you insist on the duty of adopting "measures to conciliate the minds of all persons whose interests or personal consideration may be affected by the dissolution of the existing Government;" and, secondly, whether there was on your part, or on that of the chief local functionaries, any neglect of those wise precautions which it is necessary to observe during a period of transition from one system of government to another, when men's minds are naturally unsettled by sudden changes, and designing persons are always ready to take advantage of the imperfect organization which necessarily distinguishes the first introduction of a new administrative system, and the employment of a new administrative agency.

4. The position of the former Sovereign of Oude, after his country had been proclaimed a British province, demands the earliest consideration. In their Despatch of the 10th of December 1856, the Court of Directors confirmed your proposal to settle upon Wajid Ali, the deposed King of Oude, an annual pension of 12 lacs of rupees, and to leave him in the enjoyment of the royal title for the remainder of his life, with jurisdiction within the palace and royal parks of Lucknow. He refused, however, to enter into any arrangement with your Government, and having fixed his residence in Calcutta, he despatched to England a deputation, consisting of his mother, his son (the "heir apparent"), and his brother, General Sekundur Hushmut (with a numerous retinue), and instructed them to endeavour to obtain, in this country, the restitution of his alienated territorial possessions. You assured the King that the members of his family

* Parl. Paper, No. 12, of Session 1857.

family would meet with a respectful reception in England, and it appears that everything which circumstances permitted was done by the Court of Directors to justify this assurance.

5. Respecting your subsequent proceedings towards the King of Oude, it is a matter of notoriety, that shortly after the outbreak in the North-Western Provinces, you caused Wajid Ali, and some of his principal dependants, to be arrested and detained prisoners in Fort William. Of this measure no just opinion can be derived from the information which you have forwarded to England. You are desired, therefore, to report, with as little delay as possible, whether the arrest and confinement of the King have been merely measures of precaution, or whether you were moved to this course by any knowledge, or any reasonable suspicion of his having been concerned, directly or indirectly, with the defection of the native army of Bengal, or with the instigation of revolt in Oude, or in any other province of India.

6. On the departure of the King for Calcutta, a large number of members of the royal family of Oude necessarily remained in the different palaces of Lucknow. The utmost consideration was due to the position of these unfortunate persons. Any sudden or violent removal from the asylums in which they dwelt during the existence of the native government, would have been more than ungenerous, it would have been cruel. It is stated, however, by the Ex-King of Oude, in a memorial which was forwarded to you in January 1857, that little or no regard was paid to the situation even of the ladies of his family, who were rudely driven from their former homes; and although there is doubtless exaggeration in these statements, it is possible that in the arrangements made for the appropriation of the public buildings of Lucknow to administrative purposes, there may not have been, in all cases, that consideration shown for the helpless position even of the female members of the royal family suddenly deprived of their legitimate protector, that would have become a great and generous nation after such an assertion of its power over a weaker State.

7. It is only in your letter of the 17th of June last, received since this Despatch was commenced, that you have afforded any information respecting the manner in which the Oude Commission dealt with the stipendiaries of the King, of whom there was a large number in Lucknow, including many members of the royal family. It now appears, that up to the beginning of March 1857, more than 12 months after the annexation of the province, the stipends had not been paid. During that protracted period, therefore, many influential persons must have been reduced to great pecuniary straits, with all the humiliations attendant on such a state. It is difficult to understand what circumstances can have rendered such a delay in the performance of what was one of the first duties of the British Government after the removal of the native sovereign, either an unavoidable or a justifiable omission. Whether the stipends were actually paid before the outbreak at Lucknow, does not appear from the papers received; but even if the adjustment had actually taken place, the previous delay was as conspicuous for its impolicy as for its injustice, and there is little room to doubt that it did much to embitter the feelings of the upper classes against a Government apparently so neglectful of the welfare and the respectability of those whom circumstances had placed under the immediate protection of the State.

8. In one important respect, however, you appear to have given early consideration to the position of the privileged classes. The attention of the Chief Commissioner and of your Government was directed towards the mode of legal procedure to be adopted towards the members, and especially towards the ladies of the royal family. Laudably desirous of sparing their feelings, the Judicial Commissioner proposed that an authorized list of persons entitled to claim exemption from ordinary processes, on the score of their high rank, should be prepared, and that all cases in which such persons were concerned, should be tried in a special court, presided over by the Town Commissioner, right of appeal being had to the Chief Commissioner. On a full consideration, however, of this proposal, you did not think it advisable to establish a special court for privilege classes of the community. But you directed, that, instead of issuing ordinary summonses for the appearance of such persons, letters couched in respectful terms should be addressed to all members of the King's family, and transmitted through the assistant agent to the Governor General, when their attendance might be required in your courts.

9. Besides

9. Besides the numerous members of the royal families of Oude, the annexation of the province must have grievously affected the interests of a large number of influential persons connected with the Court and the public departments. In your letter to the Chief Commissioner of the 23d of January 1856, you observe, "It is natural to expect that dislike will be felt, and that opposition will be made to the intended transfer of the Government of Oude, by officers, nobles, and others at the Court of Lucknow, whose personal interests, consideration, and official position are likely to be affected by the change. It must obviously be our policy to conciliate all such opposition. The Governor General in Council requests, therefore, that you will use your discretion in giving such assurances, and holding out such advantages as (without imposing any undue burthen upon the State) will tend to reconcile the minds of influential persons in Oude to the intended transfer of the powers of Government." And in your letter of the 4th of February of the same year, you again called the attention of the Chief Commissioner to the duty of "reconciling the minds of influential persons in Oude to the intended transfer of the power of Government."

10. But there is little or nothing in the papers before the Council to lead to the belief that the consideration here spoken of has been shown either for the welfare or for the feelings of the particular classes to which you referred. That many persons holding high offices, and deriving large emoluments from those offices in connection with the Court, and some who were charged with official duties at the capital, and in the several districts, must have been suddenly deprived both of the wealth and of the influence appertaining to their position, was one of the immediate necessities of the change. The justice, in such a case, of making liberal provision for all who are suddenly deprived of their offices by the introduction of a new system of Government is not more obvious than the policy of the proceeding. The rules, however, laid down for the granting of pensions and gratuities to the servants of the late Government were of such a character that the schedules you have forwarded contain the name of only one person entitled to receive a considerable pension under them. And it is stated by the Financial Commissioner, that "a very large number of officials not coming within the rules for pension or gratuity have been excluded altogether." There is too much reason, indeed, to fear that great hardship was inflicted upon, and much natural irritation excited among, the old servants of the Oude Government, who saw themselves everywhere superseded by native officials from our older provinces, without any prospect of ever recovering the position they had lost, or of receiving just compensation for their losses. And it is a source of surprise and dissatisfaction that the pensions which were awarded to the Oude functionaries under these rules, were so tardily adjusted, that many must have despaired of receiving them at all, and it is to be feared that a large number of persons were reduced to absolute want by the delay of your officers in examining and reporting upon their claims. The introduction of a new system of Government may have demanded the employment, to some extent, of a different agency from that which you found existing in the province, but the tardiness with which your officers proceeded to afford relief to those whom the change had deprived of the means of subsistence, there is nothing to justify or to excuse.

11. With the disbanded soldiery of the Native Oude Government it was also difficult to deal in such a manner as at once to afford just compensation to them for the loss of their means of subsistence, and to prevent their sudden dispersion from becoming a source of disorder and of danger. Sixty thousand soldiers in the pay of the late native Government were suddenly disbanded, and in the new Oude levies and police battalions you could find employment only for a small proportion of the number. To some part of the remainder you determined to grant pensions and gratuities, and, in accordance with instructions contained in your letter of the 4th of February 1856 to the Chief Commissioner, military committees assembled at the different large stations to investigate the claims of the disbanded soldiers. These claims were fully examined and reported upon, and dealt with in accordance with the 127th paragraph of the above-mentioned letter of instructions. Taking into consideration the large number of men to whom these pensions and gratuities were to be paid, they were, perhaps, fixed upon as liberal a scale as your finances could bear, but they were scarcely of a nature to satisfy men thus suddenly thrown out of employment. Twenty-five years' service was the minimum period qualifying a soldier to receive even a pension

equal to only one-fourth of his pay. All men having served for a shorter period, not less than seven years, were to receive gratuities ranging between three months' and nine months' pay. Under the discretion allowed to the Chief Commissioner, he properly transgressed in some special cases the general rules submitted for his guidance, by granting higher pensions to deserving old officers than those fixed by your Government; and he brought another class of claimants, not contemplated in these pension rules, under their operation, by conferring small pensions upon men of short service who had been wounded or otherwise disabled in Government employ. Other small concessions were made, showing a disposition on the part of the Chief Commissioner to give a liberal interpretation to your instructions. But on the whole, it is not to be denied that under the operation of these rules the compensation must, in most cases, have been inadequate to the amount of injury necessarily inflicted upon the military class, as upon Government servants of other descriptions, and that a very large number of persons, trained to the use of arms, and habituated to the commission of acts of lawlessness and violence, must have been let loose upon the country with the means only of temporary subsistence, and with every disposition to become, on the first fitting opportunity, the enemies of the State, which had deprived them of their employment.

12. A question of a different kind was presented to you in the settlement of the landed revenue of the province. The instructions which you issued to the Chief Commissioner in your letter of the 4th of February, were, briefly, that a summary settlement should be made with existing occupants for three years, and that the question of determining proprietary rights should, during that time, be held in abeyance. Before, however, these summary settlements were made, the duty of realising the outstanding balances due to the State devolved upon the local Commissioners. In only one instance was the demand resisted. The Rajah of Toolsepore was in arrears to a large amount, and he refused to attend any summons, or to make any arrangement for the payment of the Government dues.

13. Although this great landed proprietor was the only one of the powerful talookdars who openly resisted the authority of the British Government on your first assumption of the administration of Oude, he was in all the general features of his condition a type of his class. He had been long engaged in a struggle against authority, which had exhausted his finances; and thus impoverished, he had not the means of meeting his legitimate engagements with the State. He had a large body of armed retainers, who were in arrears of pay, and were therefore levying contributions upon the surrounding villages. He had failed to contract a loan. His personal property was of little value; and there appeared to you to be no means of realising the Government dues, except by the sequestration of his estate.

14. The measure was approved by the Chief Commissioner; and Mr. Wingfield, the Commissioner of Baraitch, was authorised to carry it out. His great difficulty consisted in the large number of fighting men in the rajah's pay, whom there was little hope of dispersing while their master was at large. It was determined, therefore, as a preliminary measure, to seize the person of the rajah. A detachment of troops was placed at Mr. Wingfield's disposal, and he effected, with great vigour and address, the capture of the rajah, and carried him a prisoner to Bahrumpore. There the armed followers of the talookdars tendered their submission, and, having received gratuities, each according to his respective claims, were quietly dismissed. The Toolsepore estate, comprising 1,000 villages, was declared to be sequestrated during the period of the summary settlement; and the greatest readiness to obtain leases was shown—"Such," observed Mr. Wingfield, "is the sense of security now felt."

15. It appears that a difference of opinion existed between the Financial and the Judicial Commissioners regarding the case of this man; the Judicial Commissioner being of opinion that he could not justly be treated as a defaulter. Whatever opinion might be entertained upon this point, it appears that his inability to meet the demands of the new Government arose out of a state of things antecedent to our assumption of the administration. It was the almost necessary result of the misrule which constituted the ground of that assumption. It would therefore have been sound policy, as it would have been just in principle,

ciple, to have taken into consideration the circumstance to which I refer, and to have been lenient towards the pecuniary failures of those whom we found, on our assumption of the Government, to be without the means of meeting their engagements.

16. The information now before me relating to the summary settlement is scarcely sufficient to enable me to pronounce any decided opinion on its merits. In your letter of the 4th of February 1856, you instructed the Chief Commissioner to direct the different officers under his superintendence, as soon as they had organized provisional establishments, "at once to proceed to the formation of a summary settlement of the land revenue, and simultaneously the revival and reorganization of the village police. The settlement," it was added, "should be made village by village, with the parties actually in possession, but without any recognition, either formal or indirect, of their proprietary right. The term of the settlement should be fixed for three years certain, and it should be added that it will remain in force, and binding those entering into engagements beyond that period until another settlement, whether summary or regular, shall be made."

17. Having thus explained the nature of the summary settlement, you proceeded, in very proper terms, to impress upon the Chief Commissioner, and through him upon the district officers, "the great importance of making the assessments moderate, in so far as that may be practicable. And," you added, "you will require him (the Financial Commissioner) to furnish you, as soon as possible, with a brief statement of these summary settlements in order to enable the Government to arrive at an approximate estimate of the revenue which the province of Oude may be expected ultimately to yield, as well as of that which will be immediately available for purposes of the administration, and the liquidation of other demands which will be properly chargeable to it." But it does not appear that up to the time of the outbreak at Lucknow any statements regarding the summary settlement had been forwarded to your Government.

18. It is to be gathered, however, from certain minutes of the Financial Commissioner, Mr. Gubbins, forwarded by that officer to the Court of Directors, as well as from a letter received from him, that in many parts of the country the assessments were made in the first instance at too high a rate; that he ordered their reduction; and that these reductions had been carried out by the district officers before the outbreak, to the great satisfaction, as is alleged, of the people.

19. A question, not less important than that of the rate of assessment, is that of the parties with whom the settlement was made. The general tendency of the instructions issued to the Chief Commissioner in your letter of the 4th of February, was to impress upon the officers of the Oude Commission the expediency of making a settlement as much as possible in accordance with the system which had "brought the North-Western Provinces to a state of unexampled prosperity," and the Commission were especially instructed "to improve and consolidate the popular institutions of the country, by maintaining the village coparcenaries, and adapting our proceedings to the predilections of the people, and the local laws to which they were accustomed;" and it appears to me, from such information as I have before me, in a scattered fragmentary shape, that the revenue officers in Oude, intent upon giving effect to these instructions, and laudably anxious to promote to the utmost the welfare of the great body of the agricultural classes, were not sufficiently regardful of the interests of the great landed proprietors, or aware of the dissatisfaction with which that class in the North-Western provinces had been inspired by our proceedings there, but did in many instances ignore their acquired rights, and overlooked them altogether in the three years' summary settlement, although unquestionably persons "actually in possession" at the time of the annexation of the country.

20. This was undoubtedly an error. Many of these large landholders may have obtained possession of their holdings by means of violence and of fraud. But the British Government was not responsible for this; and as, by abstaining from summary interference with the existing state of things, you made no constructive promise to prolong it beyond the period of the summary settlement, it

would have been better to tolerate for a time the possible injustice which you found in existence, than, by the introduction of sudden changes, to incur the risk of originating injustice of your own.

21. On a deliberate survey of all the proceedings above noticed, it is impossible to resist the conviction that the intentions of your Government to conciliate all classes of the community were, especially in respect to the most influential classes, frustrated, partly by the circumstances of our position in Oude, partly by the insufficiency of the means prescribed for the settlement of the country, and partly by the remissness of the agents employed by you to give effect to your measures.

22. It was the natural tendency of the introduction of British rule into the province of Oude to embitter the feelings of these influential classes against the British Government. Firstly, the nobility of Oude; secondly, the public functionaries of the native Government; thirdly, the military classes; fourthly, the territorial aristocracy. But much of this bitterness might have been allayed by a more judicious and considerate course of procedure than that which was adopted; and it is with much regret that I find myself compelled to record my opinion, that the Oude Commission was, in the important instances above noted, injuriously precipitate, when caution and deliberation were required; and that, where promptitude was demanded, there was in some cases culpable delay.

23. It is desirable now to examine the precautionary measures to which you resorted to diminish the dangers of any possible opposition which might be offered to the progress of your rule. It was natural that the very peaceable manner in which the government was suffered to pass out of the hands of the native Sovereign of Oude, should have beguiled you into a belief in the perfect security of your position. Confident that the change would be beneficial to the people, you believed that these benefits would be generally appreciated, and that any large display of military force in the country would be a practical denial of your faith in the blessings conferred upon it by the intervention of the paramount State. You therefore considered a single weak regiment, with one battery of artillery, a sufficient European force for the maintenance of tranquillity in Oude. There was no reason at that time to doubt the fidelity of the native army. And it was not unreasonable to believe that the formation of small moveable columns, upon the Punjab system, ready to move from different points at a moment's notice, would meet the requirements of the province far more effectually than more cumbrous bodies of troops without the same facility for prompt operations.

24. If there was a probability, at that time, of the British troops being engaged in internal warfare, it was for the suppression of some possible rebellion on the part of the great landholders of Oude. You were well aware, on first entering upon the administration of the province, that one of the greatest obstacles to its internal tranquillity under the native Government had been the occupation by the great talookdars and other territorial chiefs of numerous fortified places, and the entertainment by them of large bodies of armed retainers,—a condition of things which often enabled them to defy the officers of the native Government. It is stated that in September 1856 the number of fortified places held by the great landholders and other influential persons in Oude amounted to 623, of which 351 were in good repair. Although only a small proportion of these was said to have guns mounted in the embrasures, it was known that many more had been thus defended before our assumption of the government, and that a considerable number of pieces of ordnance had been buried or otherwise concealed was a probable conjecture, the truth of which subsequent events have confirmed. The expediency of levelling these forts, or of otherwise rendering them incapable of resistance, at the earliest possible date, was strongly insisted upon by the Judicial Commissioner. In the meanwhile, he recommended that a proclamation should be issued requiring the surrender of all guns and military stores, and declaring that the retention of any such munitions of war, after a certain date, should be pronounced an offence against the State, punishable as a misdemeanour. The Chief Commissioner concurred in this recommendation, and without previously obtaining the sanction of your Government, he issued a proclamation demanding the surrender of all the artillery in the possession of individuals, and declaring the retention of any pieces of ordnance, or any military stores, after the 1st of October, to be illegal. In obedience to this order, a large number of guns

guns were surrendered (the value of the metal being accounted for as so much revenue paid to the State); and it is not stated that the demand gave offence to the talookdars. That many guns, however, and probably the most serviceable ones, were still retained in concealment, buried in the earth, bricked up in walls, or concealed in the jungle, until brought out after the disorganization of the country by the military revolt, there is much reason to believe.

25. It is certain that the existence of large bodies of armed retainers, in the precarious pay of the great landholders, must have been very hostile to the general peace and tranquillity of the province. It does not appear, except in the case of the Rajah of Toolsepore, adverted to above, that the disbandment of these levies had been effected previous to the outbreak of the revolt. Advantageous, however, as it might have been to break up these corps of undisciplined soldiery, simultaneously with the gradual introduction of some measure to facilitate their employment in peaceful pursuits, it is by no means certain that the sudden dispersion of considerable bodies of armed men would not have been a remedy even worse than the disease. In such a state of society, to discharge a soldier is often to make a bandit. And it would be not unreasonable to expect that, upon the first appearance of a general convulsion, the disbanded retainers of the great landholders, either returning to their old masters, or placing themselves under new leaders, would fight upon the side of our enemies with animosity, strengthened by the remembrance of the injury which they considered had been inflicted upon them by the British Government.

26. Still more important even than this was the question which arose regarding the general disarming of the people. This measure was suggested by the Judicial Commissioner; and the Chief Commissioner, though with some qualification, approved the suggestion. On a subject of so much importance, however, he desired to have the largest possible amount of information. He invited, therefore, an expression of the opinions of the District Commissioners, and they [with one exception] were adverse to the proposal. Colonel Goldney, whose previous experience in Sind and the Punjab, entitled his opinion to be received with particular respect, indicated, in a very forcible manner, both the difficulties in the way of the accomplishment of such a measure, and the inherent objections to it if accomplished. On a review of all the opinions expressed, and all the arguments adduced, you came rightly to the conclusion that it would not be desirable to attempt a general disarming of the people. In the Governor General's minute of the 17th September 1856, the arguments which then forced themselves on his mind are recorded at some length. In the then existing circumstances of the times, they were such as naturally suggested themselves to you. The expediency of disarming the people of the Punjab, and the success which attended that measure, furnished, in reality, no argument in favour of a similar measure in Oude. In the Punjab, the warlike habits of the people, and the ambitious character and military talents of some of the chiefs, rendered armed demonstrations, on a large scale, not improbable events, so long as the benevolent intentions of the new Government, and the eventual advantages of the change, were imperfectly understood by the Sikh nation. That nation had been in arms against us. It had invited the contest, by invading our border, and had many times met the British army, with desperate courage, in the field. But Oude had become a province of the British empire, not by armed conquest, but by the peaceful unresisted assertion of the power of the paramount State. You had reason, indeed, to believe that the great mass of the people were grateful for their liberation from the insecurity necessarily resulting from continued misrule. No rebellious movement against the new Government had taken place; none was anticipated; and it was considered that the personal affrays, and acts of individual violence, which had been so frequent under the native Government of Oude, might be gradually suppressed by some extension of the severity of the ordinary penal enactments; such as a law decreeing transportation beyond the seas, a punishment viewed with mysterious horror by dwellers in an inland province.

27. It was impossible, too, to consider the question of the disarming of the population without some reference to the fact, that Oude had long been the principal nursery of the Bengal army. There was, at that time, no reason to believe that the habitual use of arms by the people, from which so large a number

of British recruits were drawn, would do otherwise than contribute to the strength and the security of the British Indian empire.

28. On a review of all the opinions expressed by the chief functionaries in Oude, and after a full consideration in Council of all the arguments adduced by the Governor General, I do not hesitate to declare my opinion, that you were justified, by the information then before you, in refusing to sanction either the general disarming of the people, or the passing, except with local restrictions, of a law against the carrying of arms; and it is at least doubtful whether any attempt to carry out such a measure would have been attended with general success. Even if no opposition had been offered—and from some classes of the population it was to be expected—concealment would have been so general, that the offensive powers of the people, in any season of general disturbance, would have been but little diminished by the attempt. You had not the force readily at your disposal to enable you to carry out such a measure as one of military coercion; and as a mere magisterial enactment it would have been evaded or disobeyed.

29. All the circumstances above enumerated being deliberately weighed, it appears that, although the local administration did not succeed in carrying out those measures of conciliation towards all classes of the community, which your Government had so wisely and so justly urged upon the Oude Commission, no better results would have been attained; if you had endeavoured to secure the tranquillity of the province by more rigorous repressive measures. However consistent such measures may be with the policy naturally observed towards a conquered country, or one that has been in rebellion, it cannot but be remembered, that inasmuch as the paramount motive for assuming the government of Oude was the promotion of the happiness of the people, it was especially the duty of the new administration to recognise existing rights, to be tolerant of ancient usages, and to pay regard to the habits and feelings of all classes of the community, however greatly they might be at variance with our own views, and opposed to just principles of social polity. To succeed in reforming the habits of a people, it is necessary, at the outset, to be tolerant of much evil, and to trust greatly to the efficacy of time and the growth of moral influence.

30. The past circumstances of British administration in Oude having thus been brought under review, the policy which it behoves you to adopt on the re-establishment of your authority throughout the province demands most deliberate consideration. The Despatch of the Court of Directors of the 5th of May will have made you acquainted with the spirit in which it is desired that you should address yourselves to the great work of pacification; and it is probable that, on some at least of the points to which your attention is now directed, you will have anticipated my instructions.

Parl. Paper, No. 278, of Session 1858.

31. Your future proceedings towards the ex-King of Oude will be regulated by circumstances, with respect to which the Council are at present in uncertainty. But if the seizure and confinement of Wajid Ali were merely measures of precaution not influenced by any knowledge or reasonable suspicion of his complicity in the hostile movement against the British Government, it may be concluded that you will adhere to the resolution already announced to make a liberal provision for the remainder of the King's life. It is not, however, considered desirable, in the altered circumstances of the times, that the British Government should pledge itself to a continuance of the annual stipend of 12 lacs, or of any fixed amount, to the successors of the present King. Recent events have clearly indicated the expediency of leaving the decision upon this point to the Government of the day, which will act in accordance with the knowledge of the new claimant's character and conduct, and the probability of a large command of money becoming in his hands a blessing or a curse to himself and to others.

32. The perpetuation of the kingly title is still more objectionable. On a former occasion the Court of Directors emphatically declared the grounds of their repugnance to the maintenance of such empty titular sovereignties as the kingship of Delhi; and recent unhappy events have strengthened the impression of the impolicy, and, in a large sense, of the inhumanity, of prolonging the existence of that which, however shadowy and unreal, is so likely to keep alive delusive hopes,

hopes, to become a focus of intrigue, and a rallying point of sedition; and thus to involve, not only the titular Sovereign himself, but large numbers of his adherents, in irremediable ruin and disgrace. On the death, therefore, of Wajid Ali Shah, whatever provision you may make for, and whatever privileges you may bestow upon, his successor, the titular sovereignty should cease for ever with the life of the present nominal King.

33. The privileges above adverted to it will be necessary to restrict. Although the experience of half a century had clearly indicated, in the case of the titular Kings of Delhi, the inconvenience of permitting them, in consideration of their former power and grandeur, to exercise sovereign dominion within the precincts of the imperial palace, the Court of Directors were still disinclined, on the deposition of the King of Oude, to depart from the considerate and indulgent policy which had been observed towards the Sovereigns of the house of Delhi. You were, therefore, authorised to concede to the titular King of Oude similar jurisdiction within the palace and royal pleasure-grounds of Lucknow. But the events of the last year have painfully demonstrated that such a privilege may be abused in a manner even beyond the previous conceptions of the most experienced, and that it would be culpable ever again to place in the hands of a pensioned Prince the power of using the asylum afforded to him as a shelter for conspirators, and a refuge for traitors of the worst kind. Whilst, therefore, it is right that every consideration consistent with a wise precaution should be shown for the fallen fortunes of the ex-King of Oude, it is incumbent upon the British Government to withhold the privilege, which it was formerly willing to grant, of independent jurisdiction within the precincts of the palace, or other stated bounds, even though it should appear that Wajid Ali is guiltless of all complicity in the rebellious proceedings which have inflicted so much injury on the country.

34. Towards the members of the royal family of Oude you will exercise a becoming liberality. In their last Despatch on the affairs of the province, the Court of Directors adverted to that part of the treaty originally proposed, in which it is stipulated that "the Company shall take upon itself the maintenance of all collateral members of the royal family, for whom provision is now made by the King;" and said that they "left it to your Government to decide what members of the royal family shall be supported out of the hereditary grant of 12 lacs per annum, and what members shall be brought under the provisions of the above-mentioned article." I see no reason for the withdrawal of these instructions. Except where members of the royal family are clearly identified with the commission of, or connivance at, some outrage upon humanity, I am willing that their claim should be considered with as much liberality as if the tranquillity of Oude had not been disturbed. Simple hostility is not to be regarded as an offence incurring the forfeiture of all claims upon the favourable consideration of the British Government. In this view of the case, you will, doubtless, be disposed to act with becoming but discriminating liberality towards these unfortunate persons. With such exceptions as are above noted, the members of the royal family may be placed in possession of the legitimate stipends which they *bonâ fide* enjoyed under the government of the late King, with such arrears as may be found to be due to them. The mode of payment, whether from the revenues of the province, or from the pension of the King (should he accept it), may be left for future consideration and adjustment.

35. On the re-organization of the administrative agency, greater regard than heretofore ought to be paid to the expediency of employing the natives of the province in all departments of the Executive Government. They may not, in all respects, appear to be the best instruments to give effect to a new system of administration, but it is better for a time to submit to this inconvenience, and either to adapt our system, at first, to the agents at our disposal, or to wait until the agents can adapt themselves to the system, than that we should perpetually incur the reproach of usurping all the offices of the State, of taking from the inhabitants of the province the bread which they were earning, and giving it to strangers. And even as regards the efficiency of the administration, it is not certain that the native officials are more corrupt and more oppressive than those who have been transplanted from the older provinces into Oude; or whether the great object of all administration, the happiness of the people, is more likely

to be obtained by the employment of expert native agents from the regulation districts (under a numerous body of European superintendents) than by resorting to the agency which was found in use on the annexation of the province.

36. There are few more delicate questions than that with which you have to deal when you are called upon to decide in what manner to bring those privileged persons, who, under an arbitrary native Government, have been exempt from ordinary legal liability, within the pale of the law, in such a manner as to satisfy the requirements of justice, without outraging the feelings of individuals accustomed to the enjoyment of peculiar privileges. Undesirable as it is to perpetuate or to prolong the existence of privileged classes springing from the stock of extinct dynasties, since to the persons thus favoured the intended kindness is often practically injurious, whilst it is an injustice to the community at large, and a source of embarrassment to Government, there are, nevertheless, conjunctures in which it may be wise to incur the risk of these more remote inconveniences, for the sake of conciliating not only the influential few, but the more numerous class of persons who have learnt to venerate the ancient houses with whose fortunes they have been associated, who identify their own honour and importance with that of their superiors, and who look with jealousy and resentment on every measure which has a tendency to degrade the ancestral reputation of the local nobility. In cases where existing prerogatives and privileges can be continued without any direct injury to humanity, they might perhaps be granted to those who were found, on the annexation of the country, in the enjoyment of especial privileges, under a distinct understanding that on the death of the person to whom they had been originally granted, they are either absolutely to cease, or to be open to reconsideration. You might expediently take into your consideration the system for the adjudication of suits, in which members of the privileged classes were concerned, introduced by the Honourable Mr. Elphinstone into the countries conquered from the Peishwah.

37. It appears, however, that the greatest difficulty with which you will have to contend, in maturing your measures for the general pacification of Oude, will result from the large number of people whom you will find, on the reassertion of your authority, without any means of honest subsistence. Starving men are desperate men. It is probable that many who have been in arms against the British Government have been incited to hostility simply by the hope of recovering the livelihood which they had lost by the annexation of their country. To provide these people with profitable employment would be to disarm them of their enmity against us. But it is impossible to overrate the difficulty of forming any comprehensive scheme for the direction into peaceful channels of the energies of 100,000 men, many of whom, lawless in their habits before the outbreak of the rebellion, have been rendered doubly so by a year of rapine and disorder.

38. It is probable that the reorganization of the police of the province may afford you a fitting opportunity of providing for a portion of those who, accustomed to military service, have been thrown out of employment by the disbandment of the Oude army. Whether, during the partial restoration of your authority, it would be found safe to employ in such offices the natives of the provinces, is, however, open to doubt. Brought into contact and communication with their countrymen, many of them still hostile to the British Government, they would be less likely, perhaps, to remain true to their employers than strangers from another province. It is probable, therefore, that, in the first instance, you will be compelled to yield to the necessities of the moment, and form the local police corps chiefly from among the natives of other provinces. But this will, doubtless, suggest to you the expediency of finding similar employment for the natives of Oude in other parts of the country. It will be sound policy thus, as far as possible, to dissolve the natural cohesion of hostile parts, resulting from family ties and local interests, and to place men beyond the reach of those influences which are most likely to warp them from their allegiance to the British Government.

39. In any scheme for the pacification of the country, the extension of agriculture will necessarily enter largely into your consideration, and you will, perhaps, thus be able to provide honourable and profitable employment for many who are now compelled to earn a precarious subsistence by questionable means.

You

You will, doubtless, on the restoration of your authority throughout Oude, find large tracts of uncultivated land, some covered with forests or jungles, the clearance of which might be encouraged by advantageous grants, and, when expedient, even by advances of money from the public Treasury. Your great object will be to raise the hopes of the people of the soil; to induce all classes of the community to identify the complete restoration of British rule with their own personal interests. A judicious expenditure in this direction will, in the end, prove the truest economy.

40. Towards the talookdars, and other great landholders of Oude, you have already entered upon a course of policy which it is hoped will, by a fuller recognition of their ancient rights, bring them into allegiance to the British Government. It will be necessary to destroy their fortified places, and to clear the jungles surrounding them, which afford even better defences than the walls of their strongholds. But, in doing this, it is desirable that you should induce the landholders so to co-operate with you as to render the destruction of their fortresses as little as possible a cause of offence, or a source of humiliation. You will, of course, exercise a discriminating clemency, or severity, towards them, graduated in accordance with your knowledge of the part taken by them in the rebellion; but, as a general rule, I would prescribe oblivion of past offences as the only guarantee for the cordiality of future relations. You will endeavour, by wise and conciliatory personal explanations, to make the intentions of your Government clearly understood; and not only by the restoration of their ancient rights, but also by liberal remissions or advances, facilitate the agricultural operations which must have been greatly obstructed by the recent disorganization of the country.

41. To the general disarming of the province (with such exceptions as circumstances may render expedient) you will doubtless address yourself at an early period. You will have earned the right to deal with Oude as a conquered country. And although there is no reason to consider that the general mass of the population has evinced any hostility to British rule, there is more than enough in the circumstances noted in this Despatch to indicate the necessary connexion of such a measure with the future tranquillity of the province. It is right, however, that you should take into your consideration the propriety of giving to those who surrender their arms within a certain time adequate compensation for such loss of property. This will at the same time prevent the measure from injuriously affecting the well-disposed, and will appeal to the self-interest of the evil-disposed, who, by delaying the surrender of their arms, will not only forfeit their value, but expose themselves to the inflictions of such punishment as you may decree for disobedience. As has been before observed, the great practical difficulty with which you have to contend in attempting to give effect to a general measure for the disarming of the people, is their disposition to evade the operation of the law by concealing their weapons. There is a natural unwillingness on the part of men of all descriptions to be deprived of their property, and a sword or a matchlock is not less an article of property than a cooking pot or a drinking vessel. But men will often sell what they will not give; and although, in some cases, the desire to retain their arms may not be dependent on the consideration of their money value, there is little doubt that the promise of compensation will greatly increase the facility and promote the success of the undertaking.

42. But although the only hope of such a pacification of Oude as can be contemplated with any satisfaction is based upon the adoption of these and similar conciliatory measures, it is to be feared that some time must necessarily elapse before you can dispense with the continued display of your military power. Moral influences are slow of operation, and we can never conciliate the good feelings of a people with such effect as when we are demonstrably able to chastise their hostility. I feel assured, however, that you will endeavour so to stimulate the general confidence of all classes in the benevolent designs of the British Government as henceforth to render active demonstrations on a large scale events of improbable occurrence.

I have, &c.
(signed) *Stanley.*

(No. 2350.)

From *T. D. Forsyth*, Esq., Secretary to Chief Commissioner, Oude, to *C. Beadon*, Esq., Secretary to Government of India, with the Governor General.

Revenue.

Foreign Department,
Sir, Lucknow, 17 October 1839.

As directed in your letter, No. 5349, dated 30th August last, the Chief Commissioner, after referring to the officers of the former Oude Commission now serving in the province, and to the records of his office, which, however, are very meagre, begs to forward his report on the statement made in the 7th para., of the Despatch of the Secretary of State.

2. The delay in the payment of the stipends of the Members of the Royal Family, and others, was no doubt considerable; but some apology can be offered for it. The subject that first claimed attention at annexation, was the settlement of the arrears due to the late King's soldiers, and the discharge, with gratuity, of such as could not be provided for in our service. Committees, of which the Commissioner was always president, were appointed for the purpose in every division, and the work was prosecuted with such vigour, notwithstanding the difficulties opposed, by false muster and descriptive rolls, the fraud of the pay-masters, and their reluctance to produce their accounts, or give any assistance towards effecting a settlement of the claim, that by the commencement of April it was entirely completed.

3. This done, the claims of the stipendiaries were next taken up; but every department of the Oude Government was found in such confusion that to establish such claims by satisfactory evidence occupied much time, and the work progressed so slowly that none of the stipendiaries, the Chief Commissioner believes, had been paid when Mr. C. C. Jackson resigned office in March 1857.

4. On Sir Henry Lawrence's assumption of office, he found them so clamorous, and the distress of many so indubitable, that he at once advanced six months' pension on account to all whose claims had been verified; and prosecuted the remaining inquiries with such rapidity, that just before the mutiny broke out, he was able to submit complete pension registers for the sanction of the Supreme Government. At the same time, the servants of the Royal establishments were paid up; and the officer then in charge of the Treasury, and himself engaged in disposing of these claims, says he had been able to discharge the arrears of some of the Court servants prior to 1857.

5. Greater despatch might perhaps have been used in the latter half of 1856, and the course adopted by Sir Henry Lawrence of paying on account, would, if adopted earlier, have saved some distress and discontent; but delay in the final adjustment of the claims, every one who knows how native establishments are conducted under a corrupt Government, must feel convinced to have been unavoidable. Since the reoccupation, great promptness has been shown in the disposal of these claims, but then we derived all the benefits of the searching inquiry made by the former administration.

6. With respect to the servants of the native Government, charged with official duties at the capital, and in the districts, the Chief Commissioner must first observe that these were not numerous. At the capital there were but few, the most considerable of whom, Raja Balkishen, the Finance Minister, was offered a pension of 500 rupees a month, which it is understood he declined, and similarly the clerks in his office, numbering near 100, and all his own relatives declined employment. The kotwal of the city was made an extra assistant.

7. In the interior of the province the nazims and chuckladars who combined all the revenue and executive functions, were necessarily everywhere displaced; but this was nothing new to this class of officials, who never reckoned on a long tenure of office. The only difference was, that under the native regime they could hope to regain it any day, by bribing the Minister, and outbidding their competitors; for practically, the ijara, or contract system, was carried on under the mask of amanee, or direct management. Both were equally bad for the peasantry, but the latter was worse for the Government. Moreover, there was, the Chief Commissioner admits, a feeling on our part, and not an unjust one, against these officials:

officials : as they by their tyranny and exactions had brought the country to its then depressed state. Several hundred square miles had been depopulated in the Baraitch division by a nazim of Rajah Maun Singh's family, who also practised revolting tortures on the peasantry.

8. The inferior revenue employés, such as tehseeldars and jumogdars, who were the Nazim's deputies, were pretty generally offered employment; for the Chief Commissioner recollects it was constantly and forcibly impressed on officers by Sir James Outram that they should employ the ex-officials. Those who wanted employment generally, the Chief Commissioner thinks, got it, but the majority did not covet it, and their pretensions were very great. Nothing under a tehseeldarship would be looked at by the meanest revenue official, though scarce one of them had ever received a rupee of regular salary in his life. Very few of those who were taken into service, remained in it long. Corrupt they were expected to be; but they were also found very incapable, or, rather, they had been too long bred in a lax system to conform to our strict one, and undergo the laborious duties that then fell on every servant of Government; and before six months had passed, most of them had either resigned or been dismissed. Indeed it was impossible to work with them.

9. The inferior officials, the Amlah or clerks in the offices of the nazims and their deputies, were not servants of the State, but purely personal servants of their superior, and invariably lost office with him. Not one of them ever received a fixed salary. Their emoluments were derived from gratuities, and frauds on the Government revenue. A great number were, however, provided for in our tehseel and thanna establishments. The Chief Commissioner has distinct recollection of reporting that he could not find a single Government servant but the Nazim, in the Baraitch division.

10. The most numerous and important body of public servants were the Canoongoes; they retained their rent-free lands, but lost their money allowances in the form of assignments on the land revenue. Some were selected for permanent employment on a fixed salary; but this class had no cause to complain. They reaped a splendid harvest at the summary settlement, when we were unavoidably obliged to place much trust in them.

11. There were scarcely any thannah or police establishments in the province. As a sort of a substitute, there were news writers, who were supposed to report what was going on, but really reported nothing they were paid to conceal. These were mostly drafted into our police.

12. The inferior ranks of the police were composed almost exclusively of the nujeebs or disbanded soldiers of the King's irregular regiments. But these men, as might be expected, proved utterly inefficient. Their confirmed habits of indolence, could not be eradicated, and in process of time, nearly all were discharged.

13. On the whole, the Chief Commissioner thinks, a very fair share of patronage was reserved for the native officials below the rank of nazim, or independent local authority; but their habits were utterly unfitted for our service. Arduous and responsible labours were imposed on the officers, and they were compelled to choose the fittest instruments to aid in them. None got pensions; but those who were not public servants had no claim to any; and as for the nazims and chuckladars, they were believed to be the defaulters of millions, in addition to their other sins, and undeserving of any consideration.

14. The Chief Commissioner doubts somewhat if the circumstances of the case are fully understood, when the conclusion is drawn* that somewhat harsh measure was dealt to the Raja of Toolseepore; and when they are explained, he thinks it will be admitted that extraordinary indulgence was shown him in the first instance, and that his subsequent recusance, amounting almost to rebellion, could not, without exercising a very dangerous effect throughout the province, have been lightly passed over. This estate had been held for three generations on an istumraree or perpetual lease, at one lac of rupees revenue. Owing to the scandalous quarrels between the father and son for the possession of a courtezan, the former, a few years before annexation, repaired to Lucknow, and to spite his son got the old lease cancelled, and a new one for double the amount of revenue

* *Vide* paras. 12 to 16 of the despatch.

given to Gholam Hussein, son of Mahommed Hussein, the Goruckpore rebel, with whom he of course had come to an understanding.

15. He then proceeded with a force of royal and other troops to regain possession of his estate which his son had taken in the meantime, but soon afterwards was utterly routed and taken prisoner by his son, who carried him off to a jungle fort where he died in a few days under strong suspicion of having been murdered. This happened only a few months before annexation. Though he had lost all legal title to the estate, yet he was in possession of the greater part, and at the head of a large force, and considering the circumstances under which the cancelment of the lease had been effected, Mr. Wingfield (the then Commissioner of the Baraitch division) thought it the best policy to deal with the son and then Rajah, and admitted him to engage on the low terms of the original tenure, and for the entire estate, though the Bankee portion, yielding a rental of upwards of a lac of rupees, was in the possession of Captain Orr, in command of a regular regiment, and Mr. Wingfield could have made his own terms regarding that.

16. This was assuredly burying all his past transgression in oblivion and annulling all the harsh measures of the former Government, but to all these favours, as well as to the Commissioner's repeated personal expostulations, he proved himself insensible, and defied the authority of the Chief Commissioner and of Government in refusing either to disband his followers or to place himself under the Commissioner's protection, and leave him to deal with them. The Chief Commissioner submits that there was no alternative but to adopt the course pursued of excluding him for the term of the summary settlement, and which, practically, so far from being a hardship would have turned out of the greatest possible benefit to him, for he would have re-entered in possession of the estate in a very different condition to what he had left it in.

17. The Chief Commissioner now comes to the subject treated of in the concluding paras. of the Despatch from the Secretary of State, viz., the summary settlement. That was effected in the course of 1856. The Chief Commissioner thinks a reference to paras. 14 and 15 of the Government letter of the 4th February 1856, marginally quoted,* will support his assertion that the orders were preremptory to exclude the talookdars and deal direct with the village proprietors, and when the execution of these orders was entrusted to the direction of an officer trained in the school of Mr. Bird and Mr. Thomason, firmly and conscientiously believing the establishment of the village system and the exclusion of talookdars to be essential to the happiness of the agricultural classes and the prosperity of the country, it is not surprising that no relaxation of the rule was permitted.

18. As the orders were to pursue the system that had been followed in the North Western Provinces, the rules and principles laid down by the great father of that system, the late Mr. Thomason, were prescribed for the guidance of officers making settlements, and a reference to paras. 108, 109 of his "Directions to Settlement Officers" marginally cited,† will show the minute and difficult nature of

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* Para. 14. The settlement should be made village by village, with the parties actually in possession.

Para. 15. It must be borne in mind as a leading principle, that the desire and intention of the Government is to deal with the actual occupants of the soil, that is, with village zemindars, or with the proprietary coparcenaries, which are believed to exist in Oude, and not to suffer the interposition of middle men as talookdars, farmers of the revenue, and such like; the claims of these, if they have any tenable claims, may be more conveniently considered at a future period, or brought judicially before the courts competent to investigate and decide upon them.

† Para. 108. It must be remembered that the inferior rights have been in abeyance, not lost. Their existence has been admitted, and their recognition promised and deferred by no default of the owners, but by neglect of the ruling power. No prescription, therefore, is good against them, so far as the period of our rule extends. During this time, the superior has been permitted to occupy the place of the Government towards the inferior proprietors, and to exercise over them all the powers inherent in the Government. He was not bound to limit his demand by any fixed rule, any more than the Government itself originally was, in whose place he stood. When the Government, soon after the acquisition of these provinces, voluntarily bound itself to restrict its demand within fixed limits, it omitted to bind the talookdar to restrict his demand upon the villages within his talook, although it reserved to itself the right (which it afterwards exercised) of legislating at a future period upon the subject. There was, therefore, nothing to prevent the talookdars from exacting an exorbitant sum from any village, or from making it over to a stranger, or

of the inquiry which they were expected to complete in about three weeks, according to the original design of including in the summary settlement the harvest then being reaped, and which they actually did make in three or four months. It will also show the strong bias against the talookdars that pervaded the system, when it was not thought enough that the talookdar did in effect remain sole proprietor; extinct and obliterated rights were to be searched out and revived, and peasants who had forgotten their origin were to be made proprietors in despite of themselves. The settlement of the North Western Provinces was conducted in strict conformity with these principles.

19. The Secretary of State remarks that the talookdars were unquestionably in possession, and therefore entitled to engage by the terms of the Government letter. So they were in possession, according to the common acceptation of the term, but not in revenue phraseology. In the language of the North Western Provinces, by the parties actually in possession was meant those in actual occupation of the soil, not those in possession only of the right of paying the revenue to the State, or, in other words, of being the channels through whom it is paid, namely, the talookdars. The difference between Malgoozaree possession, *i. e.*, that of the right to collect and pay the revenue, and the actual proprietary possession of the owners of the land, is a point much insisted on in revenue theory and practice, and the Chief Commissioner recollects its being strongly impressed on officers on the occasion of this settlement.

20. A settlement, village by village, of a province where hundreds of villages had for years been grouped into single talookahs and never borne any fixed assessment, coupled with an inquiry into the right of proprietorship in a large proportion, was an Herculean task. There was not time for it, and two years would not have sufficed to perform it properly. The consequence was, that officers thinking naturally from the instructions and text books that had been supplied them, that they would keep on the safe side by going against the talooqdars, not only excluded them in favour of village proprictors of really independent origin, but often deprived them of their own hereditary villages, which their ancestors had actually founded.

21. So impressed, indeed, were the authorities with the idea that it was their bounden duty to exclude talooqdars, that they were not satisfied with giving redress to those who applied for it, but they would not permit the village proprietors to decline the proffered benefits. Of this, Colonel Barrow, who settled the district of Salone, the largest in the province, furnishes a remarkable instance; at the outset of the summary settlement, notwithstanding the proclamation issued informing dispossessed proprietors that they would be restored, few came forward, and the summary settlement was completed, leaving the great talooqdars pretty much as we found them. When this, however, became known to superior authority, explanation was required why a talooqdaree settlement had been made contrary to the express order of Government. The settlement was cancelled. Inferior proprietors were diligently searched out and engaged with, and the talooqdars were almost entirely dispossessed.

22. In the Baraitch Division, the proprietary communities had never been very numerous or strong; and the petty zemindaree estates had so long been incorporated in the larger talooquas, that the traces of original independent right were very faint, and Mr. Wingfield did not feel himself called on to revive it. Consequently the settlement was nearly as much talooqdaree as it is now, but

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or holding it kham. The only clear right which the original proprietors possessed, was the cultivation of their own fields at reasonable rates.

Para. 109. It may then so happen, that the members of an inferior village community, possessing all the rights of proprietors, are found, to all appearance, simple cultivators, divested of all proprietary right; and it may be difficult to determine, whether or not, under these circumstances, their rights should be recognized. It will be necessary to refer to the history of the village, to trace the origin of those claiming the right; to ascertain whether proprietary rights were formerly exercised by the resident cultivators, before they came under the talookdar, and by whom amongst them; and how those rights were exercised, and when, and from what cause they ceased. Traces of the right may probably be evident in gardens they had formed, wells they had dug, or public works they had constructed; they may still enjoy the sayer, and perhaps divide it according to the village rule. All these points must be inquired into, and the best decision given that the case admits of.

but he recollects the dismay of the Deputy Commissioners at not finding the village coparcenaries they had been led to expect in all talooquas.

23. In other parts of Oude, and as Colonel Barrow has shown in Salone, had officers confined themselves to redressing the wrongs of those who at first voluntarily came forward, we should have deprived the talooqdars only of those villages which had recently by force and violence been brought into their talooquas; but so pressing were the invitations addressed to the peasantry, and so easily were their pretensions admitted, that hundreds of those who had lived happily for generations under the talooqdar, and at first never thought of separating from him, could no longer resist the temptation to enter into direct engagements with the State. In fact we put it into their heads to set up for proprietors, an idea which would not otherwise have occurred to them. This is now admitted by many of them, who complain of the different policy we have since pursued.

24. The evil results of the system were also aggravated by the inexperience of many of the officers engaged in making the settlement, who were often really unable to distinguish a proprietary community from a collection of mere cultivators, and admitted the latter to direct engagements with the State, which were no where warranted by orders. They were also apt to be deceived by terms which indicate totally different things in different parts of India. Thus the head ryot of a village is often called the zemindar, and this was accepted as a proof of his being the true proprietor. The evidences so dwelt on in para. 109 of "Directions to Settlement Officers," as proofs of the proprietary right of the village occupants, turned out utterly fallacious when applied as tests in Oude. In this province every cultivator was allowed to plant trees and dig wells. The talooqdar never dreamt of this permission being twisted into evidence against his own title.

25. It may at first sight appear, that Mr. Thomason was less sweeping in his exclusion of talooqdars; for in para. 114 of his "Directions to Settlement Officers," he owns it is often more advantageous to Government to settle with the talooqdar, particularly when both parties are of the same tribe; but as will be seen, he makes a sub-settlement or limitation of the talooqdar's demand on the inferior proprietors an indispensable condition of dealing with him. This limitation practically reduces him to the same position as if the settlement had been made direct with his inferiors, and a malikana allowance of 10 per cent. only assigned him, so that Mr. Thomason is not a whit more considerate to the talooqdars; indeed, the Chief Commissioner thinks the latter course the most advantageous to the talooqdar. It is better for him to get 10 per cent. for doing nothing than 15 per cent. (which is all Mr. Thomason's sub-settlement leaves him), with the risk and labour of collecting the revenue. It is, of course, proper that the inferior proprietors should be protected in the enjoyment of their rights; but the Chief Commissioner is convinced this can be done without reducing the talooqdar to a mere stipendiary on the land; for no one will seriously maintain that this narrow per centage affords an adequate indemnification for his loss of profit.

26. At this settlement, sales and mortgages of land were entirely ignored on the bare assertion of the mortgagors that they were executed under pressure. No doubt force, and even torture, were sometimes employed by talooqdars, without the faintest pretext, to compel independent communities to surrender their rights; but in other cases, though compulsion was used to bring about the formal alienation, there was foundation for it in pecuniary claims of the talooqdars. Many were genuine voluntary transactions for a valuable consideration. All, however, shared a common fate. When people saw they could recover their property by simply denying the validity of the transfer, repudiation became universal. Many who had pressed their villages on reluctant talooqdars, as security for a loan, now claimed and got them back, on the plea of force and forgery. Of course, there was no time to inquire into the validity of each deed of mortgage or sale, and officers must have gone on a general principle of either admitting or rejecting them. The former was the proper course; but officers only saw an oppressed village community groaning under the yoke of the talooqdars, and pursued the opposite one.

27. The Chief Commissioner has not been able to discover in his records the Financial Commissioner's instructions for the conduct of the summary settlement.

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He has, however, a clear recollection of them. They were in strict accordance with the principles laid down in Mr. Thomason's works; but he may mention that he finds, from a correspondence in his office, that Mr. Gubbins was disposed to deal more liberally with the talooqdars in the matter of malikana allowance, than the Chief Commissioner approved of. In his Secretary's letter, dated the 4th April, in acknowledgment of the financial draft of instructions for the summary settlement, the assent of the Chief Commissioner was refused to the Financial Commissioner's proposal to guarantee the malikana allowance made to the excluded talooqdar, for the term of the revised settlement.

28. The Chief Commissioner mentions this circumstance to show there was no divided opinion as to the general treatment of talooqdars, not that it has any other significance. The talooqdars cared little about the malikana allowance. It did not reconcile them to the loss of their possessions and power.

29. The Chief Commissioner's opinion in brief, then, is, that by whatever agency, and in whatever space of time, it might have been brought into operation, the system prescribed by the express injunctions of Government, must have led to the extensive displacement of the talooqdars; but carried out, as it was, by inexperienced local officers, and in an incredibly short period of time, it led to a large amount of actual confiscation of the ancient hereditary possessions of the talooqdars. The Chief Commissioner thinks that the proper course was to have engaged with the talooqdars for the summary settlement, excluding from their engagements such villages only as had been annexed to the talooqdars by downright violent means, within the last eight or ten years. A slight restitution of the kind would not at that time have created any discontent.

30. The Chief Commissioner here takes the liberty of remarking, that one great difficulty in the re-settlement of the province in 1858 lay in the great incredulity of the talooqdars, in our professed intention of restoring them to their possessions, as they held them in February 1856. At the time of annexation an impression was received by them, that the right and position of all landed proprietors would be preserved as they had been found by our Government; and this impression was confirmed by the first settlement for the rubbee (winter) harvest being made with talooqdars. Afterwards, finding themselves ousted from lands and proprietary titles, they have acquired an idea that the same course will be again followed, so soon as it suits our purpose to adopt it. It is needless to enlarge upon the necessity of avoiding, in our present arrangements, even a suspicion of breach of faith.

I have, &c.
(signed) *T. D. Forsyth,*
Secretary to Chief Commissioner, Oude.

Foreign Department.

THE Right Honourable the Governor General of India to the Right Honourable the Secretary of State for India; dated Camp Etimadpore, 25 November 1859. No. 13.

Sir,

I HAVE the honour to reply to Lord Stanley's Despatch in the Political Department, No. 4, dated the 13 October 1858, relative to the affairs of Oude.

2. The object proposed in that Despatch, was to consider in what manner, if at all, the disastrous events of 1857, so far as they were connected with Oude, are to be attributed to or could have been averted by the measures of this Government, or the acts of the local officers, during the first year of our administration of that province. Para. 2.

3. In prosecution of this object, the Secretary of State proceeded to consider, Para. 3.

1st. Whether there was any failure to give effect to the intentions declared in the orders of this Government, dated 4th February 1856, in which the duty of adopting "measures to conciliate the minds of all persons whose interests or personal consideration may be affected by the dissolution of the existing Government," was insisted on.

2d. Whether there was not on the part of this Government, or on that of the chief local functionaries, any neglect of those wise precautions, which it is necessary to observe during a period of transition from one system of Government to another.

Para. 4.

4. The first point touched upon is the treatment of the king. After alluding to his Majesty's refusal to accept the terms offered to him, his journey to Calcutta, his dispatch of a mission to England, the assurance given to his Majesty that the members of his family would meet with a respectful reception in England, and the fulfilment of that assurance by the Honourable Court of Directors, Lord Stanley remarks, that it is a matter of notoriety that shortly after the outbreak in the North Western Provinces, the Government caused the king and some of his principal dependents to be arrested and detained prisoners in Fort William; and requests that, as no opinion can be derived from the information which had at that time been forwarded to England, it may be reported whether the arrest and confinement of his Majesty were merely measures of precaution, or whether the Government was moved by any knowledge, or any reasonable suspicion, of his having been concerned with the defection of the native army, or with the instigation of revolt.

Para. 5.

5. On this point I beg to refer to the letter of the Governor General in Council to the Secret Committee, No. 35, dated the 19th June 1857, and to my minute of the 18th June, which accompanied it. For some time it had been known that the king's name was used in fomenting disaffection in the native army; but how far this had been done with the king's sanction or cognizance, it was not possible to say; and my belief now is, that at least it was not done with his active participation; but on the 14th of June, a man, apprehended in Fort William, in the act of tampering with a sepoy of the 43d Native Infantry, who denounced him, stated that he had come from the king's residence, at Garden Reach, and was instigated by persons about the king. It was therefore considered necessary, as a precautionary measure, and in order to stop one source of sedition and revolt, that the king should be placed under restraint, and that communications on the part of the insurgent regiments, and of the people of Oude, with himself, and with some members of his suite, should be made manifestly impossible to all concerned.

6. The king, during the whole period of his confinement in Fort William, was treated with the utmost consideration and respect. Rooms were assigned to him in the Government House, within the Fort, and his liberty was restored to him as soon as the state of the country admitted of this being done. It was necessary to delay this measure beyond the time at which Oude had become generally pacified, because of the attitude assumed by the Begum Hazrut Mehal (the king's wife), and her son, Birjis Kudr, beyond the Nepalese frontier, and until the power of the party assembled round them had been completely broken. Of his Majesty's liberation, you were informed in my Despatch, No. 112, dated 16th July 1859.

Para. 6.

7. With regard to the complaint of the King of Oude, contained in his memorial to the Honourable the Court of Directors, dated 24th December 1856, that the ladies of his family were rudely driven from their homes, I beg to refer you to the proceedings reported in the Despatch of the Governor General in Council, No. 152, dated 8th September 1859.

A full reply to the statements made in the king's memorial is contained in the Secretary's letter, No. 302, dated the 28th October 1856. The Secretary of State is justified in assuming that they are exaggerated. They are very greatly exaggerated, especially as regards the treatment of the female members of the royal family. But there was a true foundation for the complaint, in the fact that the Chief Commissioner, Mr. Coverly Jackson, had, without the sanction of the Governor General in Council, taken possession of the Chutter Munzil, one of the palaces set apart for the king's family. For this act the Chief Commissioner was censured, and the building was immediately restored to the king.

Para. 7.

8. As to the manner in which the stipendiaries of the king were dealt with by the local authorities, I have to observe that, when the Government assumed the administration of Oude, the liabilities of the State amounted to more than 40 lacs

lacs of rupees, about 410,000 *l.** To meet this, there was a balance of revenue due to the king, estimated at nearly 33 lacs, of which not more than nine lacs was believed to be recoverable. The Government undertook to discharge all these liabilities, and the Chief Commissioner was ordered to appoint a special officer for the duty; but as it was deemed inexpedient to collect large numbers of troops at the capital, the duty of investigating their claims was entrusted to the several divisional Commissioners, each in his own division of the province. Captain Hayes, the personal assistant to the Chief Commissioner, was directed to adjust the claims of the Royal stipendiaries; the deputy Commissioner at Lucknow was charged with the payment of the menial establishments; and Mr. Gubbins, the Financial Commissioner, undertook the settlement of the remaining claims.

9. The progress that was actually made in the adjustment of these claims, is described in paragraphs 2 and 5 of the enclosed letter from the present Chief Commissioner of Oude, No. 2,350, dated the 17th October 1859. There was no delay in the payment of the troops, or the menial establishments, but the difficulties in the way of a proper investigation of the claims of the stipendiaries are represented to have been such, that up to February 1857, none of them had been paid. The Chief Commissioner, Mr. Coverly Jackson, then requested that he might be permitted to pay all arrears claimed, leaving the question of continuing each pension to be disposed of when Captain Hayes could complete his report. This request was acceded to at once by telegraph, and acted upon immediately; and on the 5th June the then Chief Commissioner, Sir Henry Lawrence, in submitting the reports, in a complete state, informed the Government that all the stipendiaries, 768 in number, receiving pensions amounting in all to 46,456 rupees a month, had been paid their arrears up to the end of December 1856.

10. I am not prepared to say that the investigation and final settlement of all these claims could have been completed with reasonable fairness and regard to the interests of the State at an earlier date; but undoubtedly measures should have been sooner taken to pay the arrears due to the stipendiaries in anticipation of the results of so prolonged an inquiry. It was, however, known to all that the investigation was going on, and that it was the declared intention of the Government to satisfy all just claims; and though it is much to be regretted that payment of such claims should for any cause have been so long suspended, there is no reason for believing that the feelings of the upper classes were thereby embittered against the Government.

11. With regard to the employment of the servants of the late Government, and the provision made for those who could not be employed under our administration, I beg to refer you to the statements contained in paras. 6 to 13 of the present Chief Commissioner's letter of the 17th October last. There were few things more insisted on by my honourable colleague, Sir James Outram, when Chief Commissioner in 1856, than the necessity for employing as many of the old servants of the king as possible. Circulars were issued enjoining on district officers strict attention to the claims of these men for employment, and lists were required showing the names and appointments of persons placed in office who were not in the service of the king, and the reasons why they were appointed. The statement of the late Financial Commissioner, quoted by the Secretary of State,† is not upon record, and cannot, I believe, be substantiated. The orders of the Government were to the effect, that all servants of the late government of more than seven years standing, who were inefficient, or for

Paras. 9 and 10.

* 1. Arrears of stipends due to the families and descendants of deceased kings of Oude - - - - - - - - - - - - - - - *Rs.* 11,42,790
2. Loans, accounts, and salaries pertaining to the Treasury - - - - - 10,03,741
3. Arrears of pay due to employés in Government offices, menagerie servants and other menials - - - - - - - - - - - - - - 2,85,844
4. Arrears of troops made up to 11 March 1856 - - - - - - - 16,36,531
5. Charges for the food and keep of the cattle and animals - - - - - 86,146

Rs. 41,55,052

† "A very large number of officials not coming within the rules for pension or gratuity have been excluded altogether."

for whom no suitable employment could be found, should receive either gratuities or pensions on the scale laid down in the cases of the Punjaub and Nagpore, and approved by the Home Government. All the pensions and gratuities due to officers of this class, were reported on and sanctioned before the outbreak.

Para. 11. 12. With regard to the provision made for the employment of a portion of the troops of the former Government, and for giving gratuities and pensions to the rest, all the information which the Government possesses has already been reported to the Home Authorities. It was impossible to give service to a larger number, and those who were discharged were treated with liberality. It is a mistake, however, to suppose that the discharged men had none but temporary means of subsistence. With few exceptions (and the former Oude army did not furnish many of these), the soldier in the service of a native State, and it may be said also in our own Hindoostani army, is by profession an agriculturist, and has means of deriving subsistence from the cultivation of the soil. On quitting service he ordinarily retires to his village and employs himself upon the land which he or his family hold. He may be led by the offer of regular pay again to adopt the profession of a mercenary in any cause, but it is very rarely that he is driven by necessity to such a course, especially in Oude, where there is an abundant field of labour and no agrarian distress.

As a natural consequence the Indian soldier is, upon his discharge, contented with a much lower rate of pension or gratuity than, judging from other services, would be esteemed liberal or fair. Within the last few months it has become advisable to dismiss a large number of the Oude military police, men who had done hard work and excellent service during the rebellion, and when the terms were made known to them, these terms being no higher than a gratuity of six months or four months' pay, according to the part of India from which they had been enlisted, the candidates for discharge were so numerous that the Government was obliged to withhold it from many.

Moreover, late events have shown that it is not by the men who had served the native Government of Oude, but by the mutinous soldiery who were serving the British Government at the time of the outbreak, that the most bitter hostility has been evinced, and the most determined resistance to all offers of mercy and pardon.

Paras 12 to 20. 13. With regard to the remarks on the case of the Raja of Toolseepore and the summary settlement of the province, I beg to refer Her Majesty's Government to the explanation given in paras. 14 and 30 of the letter of the 17th of October from the present Chief Commissioner, Mr. Wingfield. As regards the treatment of the Raja, this explanation is quite satisfactory, and I do not consider that any other course could have been more properly adopted by Mr. Wingfield towards the Raja than that which is described.

14. As to the settlement of the Land Revenue, it is unquestionable that the policy of the Government at the time of the annexation of Oude was in accordance with that which had been pursued by the late Mr. Thomason in the North Western Provinces with great apparent success, and with the full approval of all authority. The instructions of the Government on this head conveyed in the secretary's letter of the 4th February 1856 are plain and unequivocal, and left scarcely any choice to the local authorities but to set aside the talookdars where this was possible, and to make the settlement with the parties actually in possession of the soil. The settlement was of necessity a summary one; that is, it was less precise and detailed than a regular settlement would be, and it was, avowedly, to be renewed after three years. Many, too, of the inferior officers employed in making it were of limited experience, because better trained officers could not be found. The orders of the Government were in some instances carried out with a want of discrimination which greater experience and sounder judgment might have corrected; but the assessment was moderate, and the settlement on the whole was completed in conformity with the views then generally entertained of sound policy, and in pursuance of the instructions issued for the guidance of the local administration.

15. There is one point in Mr. Wingfield's letter of the 17th October, on which some special remark is necessary. He observes in para. 27, that Mr. Gubbins was disposed to deal more liberally with the talookdars in the matter of malikana,

malikana,* than the Chief Commissioner, Sir James Outram, approved of. But, on reference to the correspondence on which this remark is founded, it appears that Mr. Gubbins recommended that in certain special cases only malikana should be allowed to the ousted talookdars at the rate of 10 per cent. during the period of the summary settlement, and that the Chief Commissioner, though he declined to allow payment of malikana, lest it should imply a guarantee of right, authorised the local officers to inform the talookdars that their claim to malikana would be respected during the currency of the summary settlement, and investigated at the revised settlement. It appears to me that Sir James Outram took a far sounder, and certainly not a less liberal view of this matter, than the Financial Commissioner.

16. Having regard to the circumstances above explained, I trust Her Majesty's Government will be satisfied that, except as regards the unauthorised possession taken of the Chutter Munzil, and the delay in the adjustment of arrears due to the royal stipendiaries, the very severe censure passed on some of the officers of the Oude Commission in the 21st and 22d paras. of the Despatch is not deserved. At any rate, there is no ground whatever for supposing that the events of 1857, even so far as they are connected with Oude, are to be attributed to, or could have been averted by the measures of the Government, or the acts of the local officers during the first year of our administration.

17. Having said this as regards the manner in which the instructions of the Government were carried out by the officers of the Oude Commission, I must, as regards the instructions themselves, state my conviction, that the real feeling of the country unequivocally exhibited during the period of anarchy which followed the mutinies, has disclosed, or made more manifest, defects in the land revenue system of the North Western Provinces, which we cannot safely leave out of mind, when re-organising the land tenures and administration of a new kingdom. The maintenance of a territorial aristocracy in India, wherever we have such an aristocracy still existing, is an object of so great importance, that we may well afford to sacrifice to it something of a system which, whilst it has increased the independence, and protected the rights of the cultivators of the soil, and augmented the revenue of the State, has led more or less directly to the extinction or decay of the old nobility of the country.

How to preserve this class for useful purposes, and to prevent its impoverishment by idleness, extravagance, and dissipation, without recognising exclusive rights and unequal laws in its favour, has long been a difficulty.

But in Oude, at least, we have a new and favourable opportunity of attempting the solution of the problem. The Government has been, from the date of the confiscation proclaimed in March of last year, free to take a new departure unencumbered by its previously declared adoption of a system similar to that of the North Western Provinces. The system which has been chosen is the old talookdaree system of the country, but modified and much guarded from abuse by the terms in which the new grants of their talookas have been made to the talookdars and their heirs; and accompanied by invitation and encouragement to some of the most trustworthy to take part in the revenue administration, and in the magisterial duties of their districts.

These measures have already been described in my Despatches* of 29th October and 18th November, Nos. 1 and 8; what success they will have remains to be proved. But I think it is certain that only by some such measures can we obtain a hold over the country which shall be beneficial to all classes of its people. We must work downwards through the landed aristocracy, and the old hereditary chiefs, carrying the best of them with us as regards their interests, and, if possible, as regards their feelings; but showing them that abuse of the authority which we entrust to them, will be followed by discredit and loss to themselves. If we work upwards, elevating the village proprietors, whilst we thrust aside their heretofore arbitrary masters, not only curbing the power of the latter, but narrowing the field of their interests and occupations, we shall succeed in nothing but in sowing dissensions between the two classes of lords and cultivators

* *See* pp. 26 & 33.

* Malikana.—A percentage on the net revenue allowed in acknowledgment of proprietary right.

cultivators of the soil, making discontented subjects of the first, and getting little gratitude from the second.

I must observe, to prevent misapprehension, that I am writing of Oude alone; a country quite recently added to the British dominions, and in which, owing to a still more recent convulsion, we have a clear stage before us. The case of the North Western provinces themselves is altogether different, and has no place in this Despatch.

Para. 23.

18. Lord Stanley truly observes in relation to the strength of the military force stationed in Oude after the annexation of the province, that there was at that time no reason to doubt the fidelity of the native army. I would add, that so long as the native army remained faithful, Oude could scarcely become the seat of serious danger. The sympathies of a great majority of the people were with the sepoys, and so long as the sepoys stood by the Government, the Government was strong in Oude. As to a single weak regiment and a battery of artillery having been considered by the Government of India a sufficient European force for the maintenance of tranquillity in Oude, I beg to remind Her Majesty's Government that up to the commencement of 1857, the Bengal Presidency continued short of its complement of European troops by at least one regiment, withdrawn during the Russian War, and that the Government of India had before it the strong probability of having to send European troops from Calcutta to Persia, to reinforce the army from Bombay under Sir James Outram.

Paras. 24 to 29.

19. On the remarks respecting the disarming of the province, it does not appear necessary for me to make any observation, except to express the satisfaction with which I learn that the course pursued by the Government of India in abstaining from a disarmament of the people at that time, and the reasons given for it in my Minute of the 17th of September 1856, has met with the approval of Her Majesty's Government.

Paras. 30 to 34.

20. With regard to the future, you have already been informed of the provision made for the maintenance of the King of Oude and his family, in strict accordance with the wishes of Her Majesty's Government. The kingly title will cease for ever on the death of Wajjid Ali Shah. He will enjoy no independent jurisdiction, and neither he nor the members of his family will have a

Para. 36.

greater degree of exemption from the ordinary process of the courts, than that which is granted to the members of the Nizamut family under the Act of 1855. And the collateral branches of the Royal family will receive pensions from the Government, independent of the 12 lacs granted to the king for his life, for the support of himself, his wives and children, and his servants and dependants. The Chief Commissioner of Oude has been desired to furnish a complete list of members of the family to whom pensions are to be granted.

Para. 35.

21. Regard has been and will continue to be paid to the expediency of employing the natives of the province in all departments of the Executive Government, so far as is compatible with efficiency of administration. The character of the agency which was found in use on the annexation of the province is described in paras. 6 to 12 of Mr. Wingfield's letter. It is seldom that such agency can be employed with advantage in a district administered by British officers.

Para. 36.

22. Except the relations of the king, whom it is proposed to place, with respect to process issued from the courts, on the same footing as the members of the Nizamut family, I am not aware of any privileged classes in Oude for whom it is necessary to make special provision in the adjudication of suits. Oude differs in this respect from the countries conquered from the Peishwa, and referred to in the Despatch. That prince had under his authority many semi-independent chiefs, who were his feudatories rather than his subjects; whereas in Oude the chiefs, although often too powerful for the native Government, were without exception and absolutely the subjects of the king. Therefore the system, which was introduced with reason and with good effect in the Peishwa's countries, would have been out of place in Oude.

Paras. 37 to 42.

23. The last paras. of the Despatch to which I have the honour to reply relate to the general pacification of the province, and to its re-organization. Upon these points I would observe as follows: The forts are razed, and the population almost entirely disarmed. The talookdars and other landholders give evidence

of

of being satisfied with the settlement that has been made with them, and of appreciating the liberal and considerate treatment they have received. The people in general are employed and quiet, and show no signs of discontent. The most dangerous classes, whether servants of the old Government, or disbanded soldiers of the native army, or those who were led during the late disturbances to follow a life of rapine and plunder in preference to more peaceful occupations, have generally sunk into the mass, and are not to be distinguished from it. Crime is not frequent, but as this is often the case after heavy national offences have received signal punishment, it must be expected that the ordinary proportion of common crime will again before long have a tendency to show itself. There will still be service for some of the best of the Sepoy class of Oude in such battalions of the Bengal army as may be retained, and in the police. I do not expect that it will be necessary that the Government should interfere specially to extend the sphere of their employment.

I should regret, unless in very exceptional cases, to see this done by advances of money from the Government. To lean upon the Government is a habit too readily acquired by the people of India, and it appears to me that we ought not to begin by giving ground for it in Oude. I believe that, encouraged by a liberal assessment of the land, by new security of tenure, and by finding that they are no longer subject to extortion from the collectors of the State revenue, the people of Oude of all classes will not be slow to take their share in extending cultivation, and in turning the soil to the best account. When a zemindar or a villager shall learn by experience that he can possess a good horse or bullock without fear of its being taken by the Government officer for the services of the State, and that he can grow a crop of sugar-cane without risk of seeing the collector's elephants turned into it to graze, he will not be long in improving his share of the land to the utmost. If aid in money be necessary to him it will be far better for all parties that this should be advanced by his immediate superior, whether a talookdar, or any other, than by the Government.

24. In respect of the disarming of the province, which became necessary and just after the rebellion, and which is the subject of the 41st para. of the Despatch, I wish to say that the question of granting compensation for arms surrendered did not escape the consideration of the Government of India.

But I am sure that it was better not to follow that course, if indeed it had been possible to do so.

Disarming is no doubt very irritating to an Indian people; but although abstractedly viewed it might seem to us that the gift of compensation would tend to soothe their feelings, I believe that it would have no such effect in practice. The acquiescence of the people in the measure, and the completeness of its execution, were better secured by carrying it out as a necessary measure of police, and as a deserved consequence of their general revolt (which, I presume, no man will deny it to have been), than if payment had been offered for their arms, and they had been led to think that the Government was bargaining with them.

Besides, there would have been insuperable difficulty in working the scheme of compensation, without causing much delay and giving rise to new evils. The number of fire-arms (match locks, guns, and pistols) collected, is about 190,000; of swords, about 575,000; of spears, about 50,000; and of ruder weapons, about 640,000; of cannons 693, have been surrendered or discovered. The payments for these arms, many of them worth only a few pence, could not (except in the case of the cannon, the owners of which were comparatively few) have been undertaken by any of the English or higher native officers of the Government, their time being more than fully occupied already; and to have entrusted it to the police, would have opened a door to an amount of peculation and collusion which it would have been impossible to control.

25. In the last para. of the Despatch, reference is made to the necessity of continuing a display of military force in Oude. Certainly a considerable force must be maintained there; but within the last three months 5,477 men of the armed police have been discharged; a further reduction to the extent of 2,400 men will take place as soon as the promised measures of the Nepalese Government shall have relieved us of the task of guarding the frontier under the hills, against the incursions of the rebels who have taken refuge in Nepal. One battery of Royal Artillery, and at least one regiment of English Infantry, may

be withdrawn from the province, at any moment at which it shall be convenient to employ them elsewhere.

The force which will remain, will be quite large enough, consisting, as regards its European portion, of one regiment of cavalry, about seven of infantry, and three batteries of artillery; and I have very little doubt that before the end of 1860, this force may be still further reduced. Oude is equal in extent to three-fourths of Ireland; it contains about 3,000,000 of a warlike people, used to arms; and little more than two years ago there was not an Englishman left alive within its limits, save the beleaguered garrison in Lucknow. But the complete, yet merciful character of Lord Clyde's military operations in the province, and the course which has been followed by the Government of India in dealing with it, both before and after civil authority was restored, have taught the people of every class the direction in which their true interests lie, and have, I believe, raised in their minds feelings of, at least, respect and thankfulness.

I see no reason why Oude should not become, and that very shortly, as orderly, contented, and thriving a province as any within the Queen's dominions.

26. In conclusion, I beg leave to assure Her Majesty's Government that the liberal views expressed in the closing paras. of Lord Stanley's Despatch, are in no danger of being lost sight of by the Government of India, and although in some instances it has not been expedient or possible to follow them out in detail, I trust that Her Majesty's Government will be of opinion that in spirit they have been more than fulfilled.

I have, &c.
(signed) *Canning.*

Foreign Department.

The Right Honourable the Governor General of India to the Right Honourable the Secretary of State for India; dated Camp Lucknow, the 29th October (No. 1) 1859.

Sir,

I HAVE the honour to state, for the information of Her Majesty's Government, that having joined my camp at Cawnpoor on the 15th instant, I crossed the Ganges on the 18th, and made a public entry into the city of Lucknow on the 22d.

2. On this occasion I was accompanied by his Excellency the Commander in Chief, whose camp moved from Cawnpoor at the same time with my own, and by the whole of the troops of my escort, and of the garrison of Lucknow, under the command of Major General Sir J. Hope Grant, K.C.B.

3. On the 24th I held a durbar for the reception of the members of the Royal family of Oudh, and on the 26th another and more general durbar, for the reception of the talookdars and other principal native gentlemen of the province, and for the distribution of rewards to those who rendered good service to the Government during the rebellion.

4. The details of these proceedings will be found in the enclosed papers.

5. Judging from the demeanour of all the many native subjects of Her Majesty whom I have seen since my arrival in Oudh, and from the reports which I receive from the Chief Commissioner and the other local authorities, I am able to assure Her Majesty's Government, that the tranquillity of the province, restored some months ago by the military operations under the direction of the Commander in Chief, has now been completely re-established, and that it is my conviction that there is no part of India in which opposition of any kind to the Government is less likely than in Oudh.

6. This result is owing, in a great measure, to the prudence, firmness, and ability with which the affairs of the province have been conducted since its re-conquest; by the successive Chief Commissioners, Sir Robert Montgomery, K.C.B., and Mr. Wingfield, aided by the zealous co-operation and assistance of their sub-

ordinate

ordinate officers; but it must be chiefly attributed to the introduction of a simple system of administration, suited to the usages and comprehension of the inhabitants, to a light assessment of the land revenue, and to the measures whereby the Government has been enabled to confer on the talookdars a permanent and hereditary proprietary title to the estates which have been restored to them, as well as to those newly bestowed upon them in reward.

7. Without attaching more than due importance to protestations made upon such an occasion as the present, or to the contrition for having shared in the rebellion, which has been expressed to me by some of the principal talookdars, I believe it may be safely assumed, not only that a conviction of the irresistible strength of the Government is fixed in the minds of all classes of the people of Oudh, but that there is added to this, in the case of the most influential class, a feeling of gratitude for and surprise at the liberality with which all whose crime and contumacy are not heinous have been treated.

8. I have sought to impress upon all, that it is the intention of Her Majesty's Government that the authority of those whose condition and possession entitle them to the consideration of their fellow countrymen, shall not be lowered by the firm establishment of the Queen's rule; but that on the contrary, their influence will be upheld so long as they use it loyally, and in the cause of justice and order; and I hope soon, by measures which I have in contemplation, to show them that this intention will take further practical effect, and that it is not to be limited to the permanent revival of the talookdaree system of tenure; although this in itself is undoubtedly more than they expected to see conceded to them.

9. With very few exceptions, all the talookdars who had been summoned have presented themselves at Lucknow; but it is certain that they did so in fear that the presence of the Governor General would be the occasion of visiting in some way their offences upon them. This fear has passed away, and they are now preparing to return to their homes, to all appearance reassured and gratified.

I have, &c.
(signed) *Canning*.

Foreign Department.

The Right Honourable the Governor General of India to the Secretary of State for India; dated Camp Lucknow, the 29th October (No. 2) 1859.

Sir,

I HAVE the honour to forward for your information copies of papers, as per accompanying abstract of contents, relative to the talookdaree settlement of Oudh.

The instructions to the Chief Commissioner on the subject are contained in the secretary's letters to his address, Nos. 6268, and 23, dated respectively Fort William, the 10th, and Camp Nawabgunge, the 19th October 1859.

I have, &c.
(signed) *Canning*.

(No. 1091.)

From *T. D. Forsyth*, Esq., Secretary to the Chief Commissioner, Oude, to *C. Beadon*, Esq., Secretary to Government of India, Foreign Department, Calcutta; dated Lucknow, the 4th of June 1859.

Sir,

THE Chief Commissioner takes the liberty of earnestly representing to his Excellency the Right Honourable the Governor General in Council, that the information he has acquired from persons most capable of judging, and from all parts of the province, convince him that no class of the population believes in the long continuance of possession conferred by this settlement. Revenue.

2. The talookdars, unable to realise such a departure from our former system,

think we have restored their estates merely to purchase their submission, and the speedy restoration of order, and they fear we shall throw them over at the next settlement, as we did at annexation, when they were admitted to engage for the revenue of a single harvest only. The village proprietors, on the other hand, with whom the summary settlement was made, persuade themselves that we are only temporising with the talookdars, and that when we shall have rendered them powerless by the destruction of their forts, and surrender of their last gun, we shall eject the talookdars in their favour certainly at next settlement, if not sooner. A spirit of antagonism is therefore kept alive; the talookdars dread making any concession that may be construed hereafter into a recognition of the independent right of the village proprietors, and the latter will accept no benefit that may look like a renunciation of it.

3. The remedy for this unsettled state of public feeling is easy. It consists in the formal sanction of the Governor General being given to the principle of the finality and perpetuity of this settlement in respect to the proprietary right in the soil, as declared by the late Chief Commissioner in Special Commissioner's Circular, No. 31, dated the 28th January 1859. The Chief Commissioner feels confident that if he could convey in every sunnud given to a talookdar an explicit assurance from the Governor General to the above effect, conviction would force itself on all minds and apprehensions, and illusions would vanish.

4. Any less unqualified assurance that the Chief Commissioner could give would be ineffectual. To say the settlement was final, subject to the approval of his Lordship in Council, and further than that the Chief Commissioner could not go, would rather tend to increase distrust. He has therefore abstained from giving sunnuds till he can do so in the desired sense.

5. This essential point gained, the Chief Commissioner feels no doubt of the complete success of the talookdaree settlement. He has adopted measures to secure the village occupants from extortion, as directed in the Government letter of October 1858, but to establish the foundation of lasting contentment and prosperity, there must not be afforded the least ground for any expectation of change.

I have, &c.
(signed) *T. D. Forsyth*,
Secretary to the Chief Commissioner, Oude.

Circular, No. 31, of 1858-59.

From Major *L. Barrow*, C. B., Special Commissioner of Revenue, to all Commissioners and Deputy Commissioners; dated Lucknow, the 28th January 1859.

Sir,

I HAVE the honour by desire of the Chief Commissioner, to convey to you his instructions in regard to upholding the disposal of rights on land under the present summary settlement.

2. By the terms of the Proclamation of the Right Honourable the Governor General, issued in March 1858, the rights of all landholders, save a few specially exempted, were declared to be confiscated; and by this Act all claims to estates at once ceased to be valid.

3. Nevertheless, with due consideration for the interest of the people, we proceeded to restore the ancient possessions to the people, subject to certain conditions which it had the right to impose. The primary condition of all land tenures in Oude was the recognition of the superior right of talookdars. In making the settlement of lands, every case has been carefully examined by the Deputy Commissioners and Special Commissioners of Revenue, and have been also rigidly scrutinized by the Chief Commissioner; the rights which he now confers on each holder of land are the free and incontestable grant from the paramount power, and cannot be called into question by subordinate officers; it has been ordinarily the custom in making summary settlements of revenues to enter

enter into engagements with actual occupants, leaving the question of disputed right to be adjudicated at some future settlement. Such a course may have been adopted by some of the officers now employed, but if so adopted, it is entirely wrong. The rights and claims of all parties have been duly weighed, their conduct during the rebellion, and their positions as regards talookdars, fully considered, and the decision in each case which has received the confirmation of the Chief Commissioner's approval, is considered to be final and lasting.

There is no greater evil resulting in the unsettling of men's minds and causing general uneasiness, than that of referring claimants to some future tribunal, where the whole question of rights in the soil may be argued and decided on some different principle.

Whether right or wrong, certain principles have been laid down by the Supreme Government, and they are to be acted upon, and landholders are to be encouraged to feel that what they receive now they will retain for ever.

The Chief Commissioner desires that officers will be guided by these instructions, and will endeavour to impress their tenor on all landholders within their jurisdiction. They are especially enjoined to refrain from referring disappointed claimants to any future settlement, thus exciting hopes which are sure to be frustrated.

All petitions that may have been filed, on which any order has been passed referring to a future settlement, are to be collected, and an order inscribed on them in conformity with this circular.

When any special case of hardship may be brought to an officer's notice, he may report the same to his Commissioner, for submission to the Chief Commissioner. But these are to be quite exceptional cases, and are not to be considered a matter of right; this will not, however, interfere with investigations it may be desirable to make in regard to under shareholders.

(No. 1377.)

From the Secretary to the Chief Commissioner of Oude to the Secretary to the Government of India, Foreign Department; dated Lucknow, 15 July 1859.

Sir,

The Chief Commissioner feeling some doubt whether, in his letter No. 1091, dated 4th ultimo, he has made sufficiently clear the nature of the interests involved, and the effect of the measures recommended by him, begs to be allowed to submit the following additional observations for his Excellency's consideration. Revenue.

2. The late Chief Commissioner, in his Circular, No. 31, dated 21st January, declared the finality of all settlements; and though the present Chief Commissioner might prefer to see that order carried out in its integrity, he must admit there are two very different classes of cases affected by it, and that while he considers it indispensable for the one, the other may, in his judgment, be without any inconvenience excluded from its operation.

3. The first class consists of parties claiming separate interests in land, viz., talookdars and village proprietors, the superior and inferior parties. The Chief Commissioner can add nothing to the reasons urged by him in his letter above alluded to for declaring final the settlement now made with the superior parties in pursuance of the policy advisedly adopted by Government, in consequence of the egregious failure of the opposite policy in 1856. But he may observe, that unless it is intended to depart from the present policy, and to do the very thing that the talookdars dread, namely, to exclude them at next settlement, and engage with the village proprietors, he cannot perceive what objection there can be to giving such an assurance as he proposes; and this is the view the talookdars take of the matter.

4. But if, as he firmly believes, no such departure is intended, the Chief Commissioner cannot see the use of giving the village proprietors hopes of a rehearing at next settlement, if, after having then ascertained, what everyone knows already, that they are the rightful proprietors of the soil, we are to tell them our policy will not permit us to recognize their claims.

5. It must not be imagined that in talookas there have been conflicting claims of equal interests. Rarely has a talookdar contended with another talookdar for the title to land, and if ever such a dispute has arisen, it has been immediately disposed of by maintaining the status at annexation. The law of primogeniture, too, prevails in the chief Hindoo families, so there could be no disputes among the members.

6. It should also be well understood that no acquisitions made by talookdars during the period of insurrection have been confirmed at this settlement. We have never given a talookdar (except in reward) a village that was not in his talooka at annexation. Therefore, any change that may be made at next settlement can only be in favour of the village proprietors. The Chief Commissioner feels convinced it is not intended to make any such change; but the talookdars are not, and he wants to assure them.

7. In short, any objection there may be to declaring the settlement just made with men like Hunwunt Singh, Maun Singh, the Rajahs of Amathee, Bulrampore, and a hundred others, perpetual in all but the assessment, must apply with equal force to the perpetual settlement of the Boondee Illaqua that has been made with the Rajah of Kuppurtallah, for there are village proprietors in that estate as well.

8. The second class of cases is composed of parties claiming equal interests in the land, viz., zemindar against zemindar. The estates that form the subject of these disputes are generally small, and of zemindarry, not of talookdaree tenure. The claims generally turn on a question of inheritance from the last undoubted proprietor, and possession by either party is most difficult to prove; for the property has often changed hands—twenty times in as many years—the native Government having dealt sometimes with one and sometimes with the other, and at intervals kept it under its own management, or leased it to a stranger.

9. There must be a limitation to the hearing of such claims, and that laid down by the new code of procedure would be followed by the revenue courts. The Chief Commissioner, therefore, much doubts whether by opening out such cases to renewed litigation much substantial injustice will be remedied; still the measure involves no great principle. It will not shake the security of the settlement made with the talookdar as against the village proprietors; therefore, the Chief Commissioner will not oppose it; he will confine his efforts to obtaining a guarantee against change at any time in the first class of cases—a point on which he thinks the future of this province hinges.

10. The Chief Commissioner would further suggest that he be permitted to send up a list of the talookdars to whom he wishes the sunuds conferring the proprietary right in perpetuity may be granted by his Excellency the Governor General.

I have, &c.
(signed) *T. D. Forsyth,*
Secretary to the Chief Commissioner of Oude.

(No. 6268.)

Foreign Department.

From the Secretary to the Government of India to the Chief Commissioner of Oude; dated Fort William, 10 October 1859.

Sir,

I AM directed by the Governor General in Council to acknowledge the receipt of your Secretary's letters noted in the margin,* relative to the Talookdaree Settlement of Oude.

* No. 1091, dated 4th June.
No. 1377, dated 15th July.

2. His Excellency in Council, agreeing with you as to the expediency of removing all doubts as to the intention of Government to maintain the talookdars in possession of the talookas for which they have been permitted to engage, is pleased to declare that every talookdar, with whom a summary settlement has been made, since the re-occupation of the province, has thereby acquired a permanent hereditary and transferable proprietary right in the talooka, for which

which he has engaged, including the perpetual privilege of engaging with the Government for the revenue of the talooka.

This right, however, is conceded, subject to any measures which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of upholding their rights in the soil, in subordination to the talookdar.

4. The Governor General in Council desires that you will have ready, by his Excellency's arrival at Lucknow, a list of the talookdars, upon whom a permanent proprietary right has now been conferred, and that you will prepare sunnuds to be issued to these talookdars at that time. The sunnuds will be given by, and will run in the name of the Chief Commissioner acting under the authority of the Governor General.

5. I am directed to add, that as regards zemindars and others not being talookdars, with whom a summary settlement has been made, the orders conveyed in the Circular No. 31 of the 28th January 1859 must not be strictly observed. Opportunity must be allowed at the next settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner.

I have, &c.
(signed) *C. Beadon,*
Secretary to the Government of India.

(Demi-official.)

My dear Beadon, Lucknow, 15 October 1859.

I ENCLOSE herewith a form of Sunnud, which I drew up on receiving your telegraphic message, announcing that His Excellency had confirmed the perpetual settlement with the talookdars, but I submit it for approval, because the strong qualification conveyed in the third paragraph of your official letter received this morning, makes me doubt whether I may not have gone further in this sunnud than the Government intends. At the same time I must express my strong conviction that a less unqualified bestowal of the proprietary right on the talookdars will not satisfy expectations or remove doubts. I have made it a condition that the talookdars are to maintain all holding under them, in all the rights they have heretofore enjoyed, and these rights have been or are being recorded. The inferior zemindars will thus be effectually protected from wrong, and that is all that is wanted. To embody the substance of your third paragraph in more definite terms in the sunnud would, I am firmly persuaded, make matters worse than before. It would unsettle the minds of the inferior proprietors, and encourage extravagant hopes of independence. It would alarm the talookdars, and make them regard the gift of the proprietary right as a mockery and a delusion. Moreover, it will place a engine in the hands of any future Chief Commissioner and Governor General adverse on principle to talookdars, which would enable them virtually to annul this settlement, and oust the talookdars nearly as effectually as was done in 1856.

The only use of that paragraph as it stands can be to enable the Government to make a sub-settlement between the talookdars and the inferior proprietors. I have always maintained that such a sub-settlement (and reference to para. 111–112 of Mr. Thomason's Directions to settlement officers will prove what I say) practically differs nothing from excluding the talookdar altogether and engaging the village proprietors, as was done in 1856. A sub-settlement on Mr. Thomason's principles is fixed at 15 per cent. on the demand from the village proprietors, and the talookdar, if excluded altogether, gets a 10 per cent. malikana allowance. I maintain that he is far better off with the latter than with the 5 per cent. additional, with the risk and labour of collecting the revenue. In either case he has but a rentcharge on the land, for under a sub-settlement the control of the village lands is left to the under proprietor.

It is a bad principle to create two classes of recognised proprietors in one estate. The margin of profit left by the Government, after deducting the losses at 15 per cent., is not enough for the purpose. Better do away with talookdars than confine them to a profit of 8 or 10 per cent., which is all it would amount

to (after deducting cost and risk of collection) on the Government revenue for their incomes.

I do not say this state of things would ever come to pass while his Lordship is at the head of the Government, but with a change in the Vice-royalty, and in this administration it may be brought about any day on the warrant of this paragraph.

I am in this dilemma, that if I insert the substance of this paragraph I disgust the talookdars and frustrate the object I have laboured for; and if I suppress it, and hereafter a sub-settlement is resolved on, I afford them good ground for charging the Government with breach of faith.

If the object of Government is not to make a sub-settlement at some future time, but merely to protect the village proprietors and uphold their rights, I argue that is adequately attained by the obligation my sunnud imposes on the talookdars to maintain the inferior holders in all the rights they enjoyed previous to annexation. Things are fast settling down. Three-fourths of the pottahs have been given, and the talookdars have shown themselves disposed to deal liberally and considerately with their tenants. I am convinced we could do nothing so impolitic as to put new ideas and expectations into the minds of the latter.

This letter may be considered official; I send it in this form to save time in copying.

If my first manual is not approved, I send a form of a second, but I hope the first may not be objected to.

I shall be on the banks of the Ganges to-morrow, Sunday, and would go over to Cawnpore on this very subject the next day if thought desirable.

Yours, &c.
(signed) *C. Wingfield.*

C. Beadon, Esq.,
Secretary Government of India.

(No. 23.)

From the Secretary to the Government of India with the Governor General, to *C. J. Wingfield*, Esq., Chief Commissioner, Oude; dated Camp, Nawabgunge, 19 October 1859.

Sir,

Foreign Department.

I AM directed by his Excellency the Governor General to acknowledge the receipt of your demi-official letter of the 15th instant, enclosing a form of sunnud to be given to the talookdars of Oude, granting them a full and permanent proprietary right in the talookas, for which they have severally been permitted to engage at the summary settlement.

2. This form of sunnud is generally approved, and a revised copy, with some few alterations, is herewith enclosed for adoption, and for careful translation into the Hindoostani language, in which the sunnuds will be prepared.

3. The sunnuds declare, that while, on the one hand, the Government has conferred on the talookdars, and on their heirs for ever, the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service, on the other hand, all persons holding an interest in the land under the talookdars will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

4. The meaning of this is, that when a regular settlement of the province is made, wherever it is found that zemindars or other persons have held an interest in the soil intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar, and the net jumma finally payable by the talookdar to the Government, will be fixed and recorded, after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement, the talookdar being of course free to improve his income and the value of his property, by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the zemindar), and by other measures, of which he will receive the full benefit at the

the end of the settlement. Where leases (pottahs) are given to the subordinate zemindars, they will be given by the talookdar, not by the Government.

5. This being the position in which the talookdars will be placed, they cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as these existed in 1855, of other persons, whose connexion with the soil is in many cases more intimate and more ancient than theirs; and it is obvious, that the only effectual protection which the Government can extend to these inferior holders, is to define and record their rights, and to limit the demand of the talookdar, as against such persons, during the currency of the settlement, to the amount fixed by the Government as the basis of its own revenue demand.

6. What the duration of the settlement shall be, and what proportion of the rent shall be allowed in each case to zemindars and talookdars, are questions to be determined at the time of settlement. The Governor General agrees in your observation, that it is a bad principle to create two classes of recognised proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue, than if there were only one such class. But whilst the talookdaree tenure, notwithstanding this drawback, is about to be recognised and re-established, because it is consonant with the feelings and traditions of the whole people of Oude, the zemindaree tenure, intermediate between the tenures of the talookdar and the ryot, is not a new creation, and it is a tenure which, in the opinion of the Governor General, must be protected.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India,
with the Governor General.

Form of Sunnud.

Know all men, that whereas by the Proclamation of March 1858, by His Excellency the Right Honourable the Viceroy and Governor General of India, all proprietary rights in the soil of Oudh, with a few special exceptions, were confiscated and passed to the British Government, which became free to dispose of them as it pleased, I, Charles John Wingfield, Chief Commissioner of Oudh, under the authority of His Excellency the Governor General of India in Council, do hereby confer on you the full proprietary right, title, and possession of the estate of , consisting of the villages, as per list attached to the kuboolyut, you have executed, of which the present Government revenue is . Therefore, this sunnud is given you in order that it may be known to all whom it may concern, that the above estate has been conferred upon you and your heirs for ever, subject to the payment of such annual revenue as may from time to time be imposed, and to the conditions of surrendering all arms, destroying all forts, preventing and reporting crime, rendering any service you may be called upon to perform, and of showing constant good faith, loyalty, zeal, and attachment to the British Government, according to the provisions of the engagement which you have executed, the breach of any one of which at any time shall be held to annul the right and title now conferred on you and your heirs.

It is also a condition of this grant that you will so far as in your power promote the agricultural prosperity of your estate, and that all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed. As long as the above objections are observed by you and your heirs in good faith, so long will the British Government maintain you and your heirs as proprietors of the above-mentioned estate. In confirmation of which, I herewith attach my seal and signature.

Foreign Department.

The Right Honourable the Governor General of India to the Right Honourable the Secretary of State for India, dated Camp Bewar, 18th November (No. 8) 1859.

Sir,

I have the honour to forward, for your information, the accompanying copy of a correspondence with the Chief Commissioner of Oudh, regarding the grant of revenue and magisterial powers to talookdars in that province.

2. The measures which, in the Secretary's letter of the 2d instant, I have directed the Chief Commissioner to carry out, are those which were referred to the 8th paragraph of my Despatch of the 29th ultimo as being in contemplation, and as calculated to show to the talookdars that Her Majesty's Government does not intend that the authority of those amongst them whose condition and possessions entitle them to the consideration of their fellow-countrymen, shall be lowered by the firm establishment of the Queen's rule in Oudh.

3. These measures are an experiment which will require careful watching. They may fail. Should this be the case, there will be an easy and immediate withdrawal of the powers now conceded. At least, we shall have shown unmistakeably that we desire to hold out a friendly hand to those amongst the great chiefs of the province who appear deserving of favour and trust. But I am very sanguine of the success of the experiment.

I have, &c.
(signed) *Canning.*

(No. 2396 of 1859.)

From *T. D. Forsyth*, Esq., Secretary to the Chief Commissioner of Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India, with the Governor General, Foreign Department, dated Lucknow, 24th October 1859.

Sir,

Revenue. I AM directed to observe that His Excellency the Right Honourable the Governor General will have learnt from a memorandum the Chief Commissioner had the honour of submitting for his perusal, that it has been the Chief Commissioner's constant endeavour, within the compass of his authority, to accommodate the forms and procedure of revenue administration in force in the North Western Provinces, to the different system on which the settlement of the land revenue of Oudh is based. The close control and frequent interference of the revenue authorities, which may be suitable where peasant proprietors enter into direct engagements with the State, are not so well adapted for Oudh, where three-fourths of the revenues are paid by great landholders, of ancient lineage. These restrictions are also new to the talooqdars who, under the native Government, were vested with absolute power within the limits of their estates. That Government which was incessantly engaged in coercing some refractory talooqdar or other, never thought of interfering between him and those under him.

2. The feature of our administration that is viewed with most dislike by the talooqdars is, the subordination under which it places them to the tehseeldar or local revenue officials, not merely because such subordination lowers their position and wounds their pride, but also because it tends to foster a spirit of litigiousness and disrespect in their tenantry. Loss of power and of the respect of his inferiors, are what a native of rank feels most acutely. In great measure, this result is unavoidable; we cannot perpetuate the old state of things, but though we cannot avert, we can soften the blow.

3. It is also a frequent apology for the indolence and *insouciance* of the talooqdars, and for their habit of resigning the care of their estates to corrupt agents, that we, by adjudicating in every difference between them and their tenantry, take all the business of management into our own hands. Though this plea is not valid to the full extent urged, and a large sphere of usefulness is still left open to the talooqdars, it must yet, in fairness be admitted that, with the loss of power, it is but natural they should lose interest in the management of their estates.

4. Many talooqdars have told the Chief Commissioner, that if they could be put on the same footing as the Raja of Benares, who, within the limits of his family domains, enjoys certain revenue jurisdiction, they would have nothing left to desire. The Chief Commissioner has never heard that the condition of the village occupants on the estates of the Raja of Benares is inferior to that of the rural population in the adjacent British districts; nor has the Chief Commissioner heard that they have expressed any wish to be brought under our system.

5. The

5. The Chief Commissioner would much like to see this precedent followed out; not, of course, generally, at first, but experimentally, in a few special instances of talooqdars, in whose good sense and moderation reliance can be placed. The Chief Commissioner has lately had the advantage of meeting the superintendent of the domains of the Raja of Benares, and of learning from him the nature and extent of the authority entrusted to the Raja. It embraces civil jurisdiction, but the Chief Commissioner does not propose to go so far, nor would he concede the authority primarily exercised by the Raja, as a collector of revenue, of selling the rights of the under proprietor for default. His plan is for the talooqdar to appoint an agent or tehseeldar to a subdivision of his estate, paying a rental of, say, from 30 to 40,000 rupees. The tehseeldar would exercise the ordinary powers of a landlord for the collection of the rent, and when these fail, must, like any other landlord, sue for recovery of the arrears. But his suit will be heard by the talooqdar, not by the district officer; and on his obtaining a decree, he would execute it according to the rules in force. If the defaulting tenant has proprietary rights, the talooqdar would, in satisfaction of the decree, be authorised to transfer them for a term, not exceeding five years, to any other member of the village community who will pay the balance. If sale becomes unavoidable, which is not likely to happen, the sanction of the Deputy Commissioner must first be obtained. The tenants, on the other hand, would bring their claim of exaction, ejectment, &c. against the tehseeldar to the talooqdar, who would hold open court, as indeed has been his wont heretofore. From all orders of the talooqdars, an appeal would lie to the Deputy Commissioner, who would occupy the same position as the superintendent of the domains of the Raja of Benares.

6. The privilege which the Chief Commissioner proposes to confer, according to the entire sketch of his plan, would be personal only, never hereditary. It would be held by the talooqdar during good behaviour, and on the distinct understanding that it will be withdrawn the moment he appears unfitted to exercise it. With the right of appeal to the district officer, the Chief Commissioner does not well see how it can be abused. At any rate the abuse can be put a stop to before it has reached any great length. He thinks, however, that the privilege will be so highly prized, as to make the possessor careful to do nothing to forfeit it; and he also thinks that the fact of possessing such authority would incline the talooqdar to use it in moderation, for it is in the nature of men, particularly of easterns, to be more disposed to deal liberally and kindly with those who are dependent on them, than with those who assert their independence.

7. It must also be explained that it is not proposed to confer the authority on any talooqdar until he has given leases (pottahs) to every tenant holding directly under him, and until all subordinate rights have been recorded.

8. The Chief Commissioner knows there are objections to putting any class above the law; but the measure he proposes is practically only a modification of the fiscal law, to suit an altered state of things. It is, he admits, a measure of a novel kind in our revenue system, and in a counter direction to the course we have been pursuing; but it is not novel to the country, for it is but a return to the native system from which many now think we have been rather too prone to depart.

9. The Chief Commissioner would also desire to invest with magisterial powers the same talooqdars as enjoy exemption from the ordinary course of fiscal procedure. To confer on them such authority is consonant with English policy, and will, the Chief Commissioner thinks, have the effect of making them identify themselves with the governing race, and feel themselves a part of the Government of the country. Their power should at first be the special ones of an assistant magistrate, to be extended to the full powers of a magistrate as they show fitness to exercise enhanced authority. The Chief Commissioner would not allow them to issue orders of a general nature to the police; they should merely try the offenders brought before them by the police. They would also be required to conform to all the rules of our system of criminal procedure, and to furnish the customary reports and statements.

10. The following are the talooqdars whom the Chief Commissioner desires to recommend; they have been chosen, as far as possible, from different parts of

the province. To make example more public, and excite a spirit of emulation they have not been selected solely for their claims on the consideration of Government, for unfortunately some of those who have rendered the most signal services are wanting in intellectual capacity, and other qualities besides loyalty are required for the exercise of this extended authority.

1st. Maha Rajah Bulrampore pays a revenue of 300,000 rupees; his estates are situated in the Baraitch division.

2d. The brother of the Rajah of Kuppoorthulla, provided he resides on the estates of the rajah, in the Baraitch division.

3d. Rajah Maun Sing pays a revenue of 260,000 rupees; his estates are situated in the Gonda and Fyzabad districts.

4th. Rana Rugonath Singh pays a revenue of 99,000 rupees; his estates lie in the Roy Bareilly district. A rajpoot of the same family as Banee Madho and the Raja of Morarmow.

5th. Rajah Hurdeo Buksh pays a revenue of 36,516 rupees; his estates lie in the Hurdui district, opposite Furruckabad.

6th. Rajah Rustum Sahai, of Dera, pays a revenue of near 60,000 rupees; his estates lie in the Fyzabad district.

11. These are all whom the Chief Commissioner can at this moment recommend with entire confidence. He would like to see the number raised to 12, and, if permitted, will submit the names of six more hereafter, when in the course of his tour through the province, he shall have become thoroughly acquainted with the character and qualifications of some in respect of whom he is not quite so confident. He wishes to take every precaution to avoid failure, even in a single instance.

(No. 213.)

From the Secretary to the Government of India with the Governor-General, to the Chief Commissioner of Oude, dated, Camp Cawnpore, 2d November 1859.

Sir,

Foreign Department. I AM directed to acknowledge the receipt of your secretary's letter, dated 24th ultimo, No. 2396; and in reply to acquaint you that the Governor General cordially assents to the two proposals recommended therein, viz.: the granting to certain talookdars limited revenue jurisdiction over their estates, and the investing them with magisterial powers.

2. Both these measures will tend to the object, which, as you are aware, the Governor General has in view, of turning to the purposes of good Government the influence which the great landholders and hereditary chiefs of Oude legitimately possess, instead of seeking to suppress that influence, and to supplant it by overruling authority in our own officers.

3. The Governor General is satisfied that no scheme of administration which sets this influence aside, will be acceptable to the people, or successful; and now that the revival in perpetuity of the talookdaree system in Oude has been declared, it becomes more than ever necessary that the authority of the talookdars should, within wholesome bounds, be sustained.

4. The Governor General approves of the proposal that revenue authority should not be conferred upon any talookdar, until he has given leases to every tenant holding directly under him, and until all subordinate rights have been recorded.

5. His Excellency also agrees in thinking that for the present it will be well to invest with magisterial powers those alone of the talookdars who are to have exemption from the ordinary course of revenue procedure.

6. The Governor General has it much at heart that the experiment now about to be made in Oude, to enlist the services of the chiefs in the administration of the

the country, should not fail, and that not even any discouragement of it should occur. He, therefore, entirely concurs in your opinion, that the talookdars chosen as the recipients of the new powers, should not be chosen on account alone of services rendered to the State, but that very great care should be taken to select those whose intelligence, self-control, and considerate treatment of their dependants give the best promise of a faithful discharge of their public trusts.

7. For the same reason, the Governor General wishes you to guard against a conclusion being drawn in the minds of those men that, because the Government is about to recognise in them powers akin to those which were left in their hands by the native Government, it will look upon the abuse or low exercise of those powers with the same indifference as was felt by their former rulers.

8. To prevent this, the precise scope of their functions, the mode of exercising them, and the errors into which they are most likely to fall, should be carefully pointed out to them; and as this can never be so effectually done by general written instructions, as by personal intercourse and friendly admonition, the Governor General wishes that in the course of the approaching cold season, you should visit all the talookadars whom you have proposed as the first to be selected, each on his own estate, and there personally induct the chief into his new duties. This will be more likely to impress each with a sense of the responsibility placed upon him, than any communication through the ordinary channel of the local officers.

9. The measure is one of which, if it should be successful, the importance will reach far beyond the limits of Oude, and the Governor General places the introduction of it in your hands with the fullest confidence.

I have, &c.
(signed) *C. Beadon.*
Secretary to the Government of India,
with the Governor General.

Foreign Department.

The Governor General of India to the Secretary of State for India, dated 16 November, No. 6 of 1859.

In continuation of the Despatch, No. 176, from the Governor General in Council, I have the honour to forward for your information copies of further papers regarding the ex-King of Oude.

2. His Majesty has accepted the proposals which were made to him through Major Herbert, under the instructions addressed to that officer on the 6th September last, a copy of which was forwarded to you in the Despatch above referred to.

3. The sum of 12 lacs of rupees per annum will henceforward be paid to His Majesty's orders, and the payment will take effect from the 9th of July last.

4. Separate provision has been sanctioned for the collateral relations of His Majesty.

5. For further particulars I beg to refer to my letter to his Majesty, dated the 17th ultimo, which forms an enclosure in the packet.

I have, &c.
(signed) *Canning.*

(No. 5449.)

From the Secretary to the Government of India, to Major *C. Herbert*, dated Fort William, 6 September 1859.

Sir,

I have the honour to acknowledge the receipt of your letters, dated the 23d and 25th July last, No. 100 and 101, forwarding two letters from the King of Oudh, in the first of which he offers thanks for his being permitted to rejoin his family

Foreign Department.

family, expresses regret at the conduct of Huzrut Mehal, who has taken part in the late rebellion, and hopes that he may be permitted to return to his country, and that his correspondence with Government may be carried on in the Persian language as formerly. In the second, he represents, that since his return to his family his expenses have become so heavy that it is beyond his power to meet them, and prays for pecuniary assistance.

2. In regard to the first letter, you will inform the King that the Governor General in Council has read with satisfaction the terms of disapproval in which his Majesty speaks of the proceedings of the Begum Huzrut Mehal, and of the use which she has made of her son Birgis Kudder.

3. You will also inform his Majesty with respect to his wish for the restoration of his dignity and authority, that the Governor General in Council earnestly advises His Majesty to cast from his mind all expectation whatever that the authority of the British Government over the province of Oude will ever be relaxed. The decision of the Government of England has been declared upon this point, and it is final.

4. But as concerns the personal dignity of the King, you will assure his Majesty that it will not cease to be respected and protected by the Governor General in Council, and that no suitable mark of the honour due to his rank will be wanting.

5. On one point, however, the Governor General in Council must depart from the former purpose of the Government as expressed to his Majesty in 1856. It was then contemplated that his Majesty should continue to exercise jurisdiction and to administer justice within the limits of the residence in which he might take up his abode. This privilege can now no longer be conceded to any person, however high his position, who is resident within British territory. It is necessary that in every part of the British dominions the law should be paramount, and although the King may be certain that the administration of this law shall never be allowed to trench upon the respect which the Governor General in Council desires to show to his Majesty personally, and to his Majesty's family, his Excellency can no longer sanction the exercise by his Majesty of an independent jurisdiction within the precincts of his Majesty's residence, or the immunity of any of his officers and attendants from the ordinary operation of the law. Provision, however, will be made for serving legal process within the precincts of his Majesty's residence, through the officer who may be appointed agent with his Majesty on the part of the British Government.

6. The king has asked that the custom of writing in the Persian language the letters which may be addressed to his Majesty, may not be departed from. Having regard to the reason for which his Majesty makes this request, the Governor General in Council willingly complies with it.

7. As to the conditions which, as stated to the King in the Governor General's letter of July last, would accompany the release of certain of his Majesty's attendants from Fort William, you will inform him, that the Governor General in Council has not at present anything to add to the conditions which have already been explained to Alee Nukkee Khan in respect of that officer's liberation.

8. In the King's letter of the 25th of July, his Majesty desires that money may be supplied to him to meet his expenditure.

9. The King is aware that an income of 12 lacs of rupees a year was tendered to him by the British Government in, 1856, and that it is in no way owing to that Government that his Majesty did not at once come into the receipt of that sum. Recent events have made no difference in the desire of the British Government, that his Majesty's expenses should be amply and liberally met. Therefore the provision of 12 lacs a year is still open for the King's acceptance, and payment of it will commence from the day on which that acceptance shall be signified.

10. His Majesty will understand that this sum is proposed with the clear intention that it shall cover all his expenditure, whether upon his own family or upon his household, suite, or establishments.

11. For his Majesty's collateral relations, the State will provide separately, and whatever provision it may hereafter be determined to make for the subsistence of Huzrut

Huzrut Mahal and Birgis Kudr, now in rebellion, in the event of their surrender, the charge will be defrayed by the Government.

12. I am directed to inform you that the Governor-General in Council has been pleased to appoint you to be agent with the King of Oude on your present allowance of 250 rupees a month, without in any way interfering with his Majesty's entire and independent control and management of his own affairs; you will be ready to give him advice and assistance whenever he may require it, and you will be the medium of all communications which may have to be made between the Government and its officers on the one hand, and his Majesty on the other. You will keep a diary of your proceedings, and submit it weekly for the information of Government. The usual kharitah informing the king of your appointment is enclosed.

I have, &c.
(signed) *Cecil Beadon,*
Secretary to the Government of India.

Translation of a Letter from his Majesty the King of *Oudh* to the Address of the Right Honourable Earl *Canning*, Governor General of India, &c.; dated 6th Rubioolawid 1276, Hijree, equivalent to 5th October 1859, A.D.

A. C.,

May it be known to your Lordship that the receipt of your kind and friendly letter, intimating the appointment of Major Charles Herbert as agent to the Court of your friend, and the medium of communication, and other friendly matters, has been the cause of much confidence to your friend's heart, and has restored peace to his afflicted and troubled mind. Inasmuch as your Lordship's friend does not hesitate to accept that which may appear advisable and agreeable to your Lordship, therefore, that which is so desired and arranged, is wholly approved and accepted by him. Further, your friend has understood the purport of the letter of C. Beadon, esq., Secretary to the Government of India, to the address of Major C. Herbert, written in reply to his two former mohubednamahs and for his information. The fact is, that your Lordship's friend and his ancestors, never have openly, secretly, in word or deed, acted in opposition to the pleasure of the British Government, and never will; and have in no way neglected to follow the advice of that Government, nor ever will. Any hesitation or excuse in regard to that which your Lordship considers most right and advisable for your friend, is not fitting; and regarding the income which your Lordship shall, with regard to justice, compassion, generosity, and friendship, appoint for your friend and his descendants, how should he find place for hesitation and discussion in accepting thereof? That which your Lordship has proposed, is accepted by your friend. From such date as your Lordship will grant this, your friend will most gratefully accept it.

He further hopes that the three (3) lacs of rupees a year, which were proposed for guards and watchmen, may be granted as formerly arranged. If the appointed income should be granted from the date of the annexation, it will be as restoring life to the dead; but if not, it is in every way accepted.

How can one who is dependent find place for hesitation? Moreover, your friend hopes that when he may have need to make any further representations to your Lordship, the answer may be addressed to himself.

May the days of your Lordship's happiness and prosperity last for ever.

(True translation.)

(signed) *C. Herbert*, Major,
Agent Governor General with King of Oudh.

To His Majesty the King of Oudh.

Sir,

I HAVE had the honour to receive your Majesty's letter of the 5th instant.

I learn with pleasure that your Majesty accepts the proposals which were made to your Majesty through Major Herbert, under the instructions addressed to that officer on the 6th ultimo.

The sum of 12 lakhs of rupees shall henceforward be paid to your Majesty's orders, and the payment shall take effect from the 2d of July, the date at which your Majesty resumed your residence at Garden Reach, instead of the later date of your Majesty's ultimate acceptance of the proposal. I trust that this arrangement will be satisfactory to your Majesty.

The wish expressed by your Majesty that to this sum of 12 lakhs of rupees, the further annual sum of three lakhs of rupees, which was originally proposed to defray the expense of guards, should now be added, is one with which, I regret to say, I am unable to comply.

When the offer of this additional sum of three lakhs was before your Majesty for your acceptance, it was contemplated that your Majesty might have need of the services of a large body of guards, to the extent probably of two regiments, in the exercise of the jurisdiction which your Majesty might, had it so pleased you, have assumed within the limits of your residences.

Major Herbert will already have explained to your Majesty, that this power of special and exclusive jurisdiction is one which I can no longer concede to any personage, however exalted, within the British territory. Therefore the need of any further sum for the above-named purpose has ceased to exist.

Major Herbert will shortly receive directions to place in your Majesty's hands a list of the collateral relations of your Majesty, for whom it has been already signified to your Majesty, the Government of India will make provision.

I have pleasure in complying with the request of your Majesty, that the reply to your last letter should be addressed directly to your Majesty.

Your Majesty may be sure that upon every occasion on which respect for your Majesty's high dignity may render this course fitting, it will be strictly adhered to. But I would suggest to your Majesty that in matters of business it will be more convenient, as it is more usual, that the communications between the Government of India and your Majesty should be made through the officer who has been appointed for this purpose.

Major Herbert will at all times be ready to wait upon your Majesty, and to convey to me your wishes in all such matters.

(signed) *Canning.*

Camp, Cawnpore, 17 October 1859.

Political Department.

The Secretary of State for India to the Governor General of India in Council, dated 8 February, No. 7 of 1860.

* Foreign letter, 22 October, No. 197 of 1859. Governor General's letter, 16 November, No. 6 of 1859.

1. I LEARN with satisfaction, from the Despatches noted in the margin,* that the ex-King of Oude has intimated his willingness to accept the pension of 12 lakhs of rupees per annum, which, at the time of the annexation of the province, the British Government offered to confer upon him, and that he has, with the consent of your Government, purchased an estate near Calcutta, with the view to the establishment there of a permanent residence for himself and his family.

2. In refusing to settle on the king the additional three lakhs of rupees, which had been offered to him in 1856 for the maintenance of his palace guards, Her Majesty's Government are of opinion that you judged rightly. In his altered position, no necessity exists for maintaining such guards. Whilst pointing out this to the King, you might have taken occasion to impress upon him, that the provision now made for his future years is not made in accordance with the terms of the rejected treaty of 1856, which was absolutely cancelled by such rejection, and that, both as respects the titular dignity and the pecuniary endowment, the privileges accorded to the ex-King are of a strictly personal character, and are not to descend to his heirs. It cannot be too distinctly made known to the

ex-King

ex-king and his sons, that the title of king is to cease absolutely on the death of Wajid Ali, and that the pecuniary allowance will not be continued on its present scale.

3. The ex-king appears to have entertained some expectations that you would allow the payment of his stipend to take effect from the date of the annexation of the province of Oude. You fixed, however, the date of his release from surveillance in Fort William as the period from which the allowance was to commence. Of this arrangement Her Majesty's Government approve; but it appears to me, that you might very advantageously have pointed out to the ex-king, and thus placed upon record, the very unreasonable character of the expectations he had expressed, by referring to his refusal to accept the pension at the time when offered; the warnings which were then conveyed to him; his subsequent efforts to disturb the decision of Government; and especially to the more recent occurrence of events in Oude, which deprived that Government for a time of a large portion of the revenues of the province from which his stipend was to be paid.

I am, &c.
(signed) *C. Wood.*

Political Department.

The Secretary of State for India to the Right Honourable the Governor General of India in Council, dated 24 April, No. 33 of 1860.

Para. 1. The papers enumerated in the margin,* which relate to the reconstruction of the British Administration in Oude, and to the progress of Government in that Province since the recapture of Lucknow, in March 1858, have been considered by me in Council, with all the attention which their importance demands.

2. The period under review embraces the events which have occurred since the appointment to the Chief Commissionership of Mr. (now Sir Robert) Montgomery,

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* India Foreign Letters:

Governor General	7 August	No. 43, 1858.		
	12 Sept.	„ 37 „		
	16 „	„ 39 „		
	8 Oct.	„ 54 „	para. 2.	
	16 „	„ 43 „	enclosure.	
	16 „	„ 44 „		
	16 „	„ 46 „		
	17 „	„ 47 „		
	18 „	„ 48 „		
	31 „	„ 49 „	enclosure.	
	16 Nov.	„ 4 „	„	
	19 „	„ 6 „		
Governor General	1 Dec.	„ 7 „	enclosure.	
	1 „	„ 9 „		
	2 „	„ 10 „		
	16 „	„ 12 „	enclosure.	
	16 „	„ 14 „		
	17 „	„ 18 „		
	31 „	„ 21 „	enclosure.	
	1 Jan.	„ 2, 1859.		
	5 „	„ 4 „		
	16 „	„ 7 „	enclosure.	
	8 Feb.	„ 7 „	„	
	8 „	„ 8 „		
	8 „	„ 10 „		
	8 „	„ 12 „		
	22 „	„ 13 „		
	22 „	„ 17 „		
	8 March	„ 23 „	enclosure.	
	22 „	„ 27 „	„	
	22 „	„ 28 „		
	8 April	„ 36 „	enclosure.	
	8 „	„ 45 „		
	22 „	„ 47 „	enclosure.	
	22 April	No. 49, 1859.		
	22 „	„ 59 „		
	3 May	„ 60 „	enclosure.	
	3 „	„ 66 „		
	17 „	„ 68 „	enclosure.	
	17 „	„ 75 „		
	3 June	„ 80 „	enclosure.	
	17 „	„ 88 „	„	
	17 „	„ 98 „		
	2 July	„ 100 „		
	2 „	„ 103 „	enclosure.	
	16 „	„ 109 „	„	
	16 „	„ 123 „		
	30 „	„ 133 „		
	8 Aug.	„ 137 „	enclosure.	
	8 „	„ 138 „		
	22 „	„ 140 „		
	22 „	„ 144 „		
	8 Sept.	„ 147 „		
	8 „	„ 158 „		
	22 „	„ 161 „	enclosure.	
	22 „	„ 173 „		
	8 Oct.	„ 177 „	enclosure.	
	8 „	„ 180 „		
	22 „	„ 198 „		
	29 „	„ 1 „		
	29 „	„ 2 „		
Governor General	1 Nov.	„ 3 „		
	16 „	„ 7 „		
	18 „	„ 8 „		
	18 „	„ 9 „		
	22 „	„ 205 „		
Governor General	30 „	„ 14 „	enclosure.	
	17 Dec.	„ 23 „		

gomery, and your occupation of the province by adequate numbers of British troops and native police. By means of these forces, and the Chief Commissioner's vigilance, the authority of the British Government was re-established, the administrative machinery re-organized, and tranquillity restored throughout a wide extent of territory so lately in a state of anarchy.

3. Until our military supremacy was fully re-established, it was not to be expected that British administration could be replaced upon a secure foundation. But the success which, at a later period, attended the Chief Commissioner's exertions reflects great credit upon him. Since the month of August 1858, the improvement has been steady and progressive, and I learn with satisfaction, from every fresh report, that the pacification of the country is now complete, that the authority of the law has been respected in all parts of the province, that the people have returned to their industrial pursuits, and that, with the establishment of order, we may confidently anticipate a state of greater prosperity in Oude than it has hitherto enjoyed.

4. The time, therefore, has now arrived at which Her Majesty's Government may review the administrative policy by which you hope to secure the gratitude and loyalty of all classes in Oude. The duty of effecting the settlement of that province has been resumed, after much painful experience, and, in some respects, failure and disappointment. There is a natural tendency, however, under such circumstances, to violent reaction; and the exercise of the utmost caution and discretion is demanded, lest your anxiety to escape one class of evils should betray you into another in an opposite direction.

5. The settlement of the territorial revenue of the province was properly the first care of the British administration, after its authority was restored. On the assumption of the Government of Oude in 1856, the tendency of the measures then adopted had, doubtless, injuriously affected the interests and lowered the position of the talooqdars; and the influence of the majority of these landholders, shortly after the outbreak of the rebellion, was enlisted and exercised against the British Government. On the reconquest of the province, whilst you asserted your right to visit acts of rebellion with confiscation of property, it was the aim of your policy to secure the confidence of the influential landholders, and, practically, the measures of the Oude Commission tended to this result. Reassured by the promises made to them, the talooqdars came forward, and asserted their willingness to enter into engagements with the British Government.

6. In pursuance of these views, the status in all talooqdaree estates, as it existed at annexation, in 1856, has been virtually maintained. The information on this subject is as follows:—The Chief Commissioner of Oude (*see* paras. 349 and 352 of his Report) remarks, "As far as possible the status of parties in 1856, prior to annexation, was restored." Again, "Having, therefore, carefully investigated each talooqdar's claim, and adhering, as far as is practicable, to the state of affairs in which we received the province from the King, the Chief Commissioner has decided, subject to the approval of the Supreme Government, that, as a general principle, the title to land now conferred by the Government on any landholder is fixed and incontestable." It is true that the Chief Commissioner goes on to say that, "in any particular case of palpable injustice, a special reference may be made for the consideration of the Government;" but such cases the Chief Commissioner trusts will be rare, and should not be the subject of ordinary investigation. But how such cases were to become known is not apparent. No time was given for this purpose, for we know that not long after the settlement was completed, the rights then conferred on the talooqdars were declared by the Supreme Government final and irrevocable.

7. The point, then, of importance is, what was the nature of the investigation which was made into the conflicting claims of the talooqdars and the ancient village proprietors, the parties whom the present Chief Commissioner, Mr. Wingfield, himself admits were the real owners of the lands.* The Chief Commissioner's

* His words are, "If, after having then ascertained, what every one knows already, that they are the rightful proprietors of the soil."—*See* para. 4 of Mr. Wingfield's letter, 15th July 1859, to Mr. Beadon.

missioner's Report, above quoted, is silent on this subject. But in Major Barrow's letter, 24 June 1859, it is stated, that "it was determined to make the status before annexation the basis of the forthcoming one," instead of recognising the rights of the long dispossessed village communities, the talooqdaree system was declared the ancient, indigenous, and cherished system of the country. Under such views, it is clear that the claims of the village proprietors could not have had much chance of an impartial hearing. The period during which these settlements were in operation could not have occupied many months; Major Barrow states, that they only began in November and December 1858, and he was writing in June. Much of the countrywas scarcely, during the settlement, wholly free from the influence of the mutineers. Under such circumstances, no really satisfactory inquiry into such intricate matters as disputed landed tenures could have been effected. The result of the inquiry was, that the old status in Talooqdaree villages was maintained in the ratio of 89, 28, 138 to 14, 50, 893. From the enclosure appended to Major Barrow's report, it appears that, while in 1856 only 13,640 villages out of 23,522 were maintained in the possession of talooqdars, no fewer than 22,658 have now been absolutely confirmed to them. They have, therefore, only lost 906 villages, many of which, it is apparent from para. 13 of the report, had been redeemed from mortgage. Hence, it is clear that the talooqdars have been almost entirely successful in the assertion of their claims. This being the case, it is questionable whether it would not have been expedient to have paused, and given time to the village proprietors to make known their claims, before rendering these decisions final and irrevocable. If the claims of the talooqdars were just and right, if, as it has been so often urged, the feelings of the village proprietary bodies were in favour of the talooqdars, their interests would not have suffered, while the Government would have had the satisfaction of knowing that substantial justice had been done. On the other hand, the delay would have given opportunity for the redress of any real wrongs which may have been inflicted. In what has now been set forth, it is by no means the object of Her Majesty's Government to advocate the revival of antiquated rights which had long passed out of the hands of the original owners; but that it would have been politic to have fixed a period, within which all claims to the recovery of rights in the soil might have been heard. A period of 12, or even 20, years before our rule, considering the state of misrule into which Oude was plunged for some considerable period previous to annexation, would have been fair and reasonable. The old influential families and the really ancient talooqdars, the heads of clans and races, would have lost little, perhaps nothing, by such a policy, while the native officials and followers of the Court, who have often risen to power by the lowest ways, would have had to disgorge some of their ill-gotten acquisitions.

8. There is nothing in the East to which the people are more thoroughly attached than to their rights in the soil. If left to themselves, public opinion among them would advocate the restoration of lands which have been long lost to a family. Such a course we cannot adopt, but a moderate period may fairly and wisely be fixed within which such rights in land might be recovered. It is the practice which has been pursued all over India, with eminent success. I do not consider that there is any real force in the plea that the village communities announced their predilection for the feudal system of tenure by rallying round the talooqdars during the mutiny. The fact must not be forgotten, that as the kinsmen and co-religionists of the mass of the mutineers, they identified themselves with the cause. They found the talookdars with strong forts and numerous retainers, and were glad to place these chiefs at their head in a struggle which, they must have seen, required the united effort of the country to prove successful. Their conduct proved that they hated and feared the British power, under the circumstances of the times, more than they disliked the talooqdar, but not that they preferred his rule to their own independence. Her Majesty's Government will not withhold their confirmation of the arrangement which you have concluded, but they are of opinion that a measure might have been adopted which would not have given to the talooqdars the benefit of acts of spoliation and usurpation, which appear in many cases to have taken place. They would suggest, that if any failure should occur on the part of a talooqdar in fulfilling the conditions on which his grant rests, your Government should avail itself of the opportunity to redress any obvious grievances of this nature which may have resulted from the measure now remarked on.

9. It is, I observe, now the opinion of the Chief Commissioner, confirmed by the experience of other officers, that, in one sense at least, the offences of the talooqdars, under the former *régime*, had been much exaggerated. Their violence and rapacity, commented upon by Colonel Sleeman and other writers, their defiance of the officers of the State, and acts of violence on the monied and trading classes, and their spoliation of their weaker neighbours, will not be permitted under the British Government; and I am glad to learn that the oppression which they were said to have exercised upon their under-tenants is now believed to have been of rare occurrence.

10. The measures of the Oude Administration must be of a character to convince every talooqdar, that, holding his estate under a vigilant and just Government, he will have no licence to oppress any class of its inhabitants. It will be sufficient for this purpose that the officers of the Government keep themselves at all times well informed of the internal condition of a talooq, without interfering with the details of its management. Where grievous misrule may exist, it will be the duty of the Government to interpose a strong hand, to prevent or to punish those wrongs, which, in independent native states, the people would eventually themselves redress by taking the law into their own hands.

11. You were quite right in rejecting at once the proposition of the Chief Commissioner, that all under-tenures should be abandoned to the mercy of the talooqdars; and I observe from your Lordship's more recent proceedings, that the engagements into which you have entered with the talooqdars provide for the protection of the under proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the talooqdar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the talooqdar will be fixed and recorded after careful and detailed survey. I consider that on a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities.

12. Her Majesty's Government are fully sensible of the advantage of enlisting the loyalty and gratitude of these influential proprietors on our side, and trust that they may be brought to regard the welfare of the State identical with their own, and that their zeal in the cause of order may be fostered by the measures which you have adopted for associating them with the officers of the Government in the duties of maintaining the public peace, and conferring on them responsibilities which will still maintain their just pride in the prosperity of their estates.

13. That this wise policy of elevating, rather than of depressing, the local aristocracy, has been carried out by you in practice, Her Majesty's Government learn with satisfaction from the reports of your Lordship's proceedings in Oude, received since this Despatch was commenced. Apprehensive that the great talooqdars might regard with some suspicion a policy so obviously tending to produce the desired result of the general pacification of the country, you adopted measures calculated to give them confidence in the sincerity of your intentions, and the stability of your arrangements. By personally addressing them in Durbar, and by causing sunnuds to be issued confirming them, under certain conditions, in their proprietary rights, you have, I doubt not, effectually disarmed their suspicions and secured their loyalty, by identifying the fixity of their tenures with the stability of the Government under which they are held.

14. Her Majesty's Government understood that, by the sunnuds you have issued, you have confirmed the proprietary rights of the talooqdars, holding them subject to certain assessments to be hereafter determined, and that these assessments, to be fixed on the termination of the present summary settlement of three years, will be moderate in amount.

15. I do not gather from the papers before me what are your views with respect to the duration of the subsequent settlement, but I do not doubt that it will be calculated to give the proprietors such a beneficial interest in any improvements they may effect, as will encourage them to develope to the utmost the capabilities of their estates.

16. Since the foregoing paragraphs were drafted, I have received your Lordship's letter of 18th November, No. 8, in which you report that, on the recommendation

mendation of the Chief Commissioner, you have granted to certain talooqdars limited revenue jurisdiction over their estates, and have, at the same time, invested them with magisterial powers. This is a very important measure. With reference to the character which some of the Oude talooqdars have hitherto borne, its operation should be carefully watched. I shall be very glad if the result prove satisfactory, and such as to justify your adopting it in other parts of the country. In the sentiments expressed in your secretary's letter of the 2d November, Her Majesty's Government entirely concur. It should always be our aim rather to adopt and improve that system of administration to which the people in any part of India have been accustomed under their own rulers, guarding it from the abuses to which it may have been liable, than to introduce new measures, even though they be founded on sounder principles, or have been tested by experience in our colonies, or even in other parts of India.

17. I shall be glad to find, also, that the arrangements which you have made for transferring certain estates to the proprietorship of European gentlemen formerly connected with the native Oude Government, who honourably distinguished themselves during the revolt, are attended with success. As these gentlemen are understood to be familiarly acquainted with the institutions and usages of the country, and are believed to entertain feelings of kindly sympathy with the people, there is a reasonable expectation that their possession of territorial rights will be, in many ways, conducive to the prosperity of the country; but care should be taken to record and guard the prescriptive rights of other classes, in such cases, with as much caution as in the lands of native talooqdars.

18. Scarcely less important than the territorial arrangements above noticed are the measures, reported in the papers before me, for the renewed administration of public justice. On the restoration of order to the province, the officers of the Oude Commission had first to deal with the great mass of exceptional crime, the growth of the recent rebellion. This was of two kinds; ordinary social offences, the commission of which the general disorder had encouraged and facilitated, and political crimes, involving mutiny and rebellion, with, in many instances, the attendant aggravations of treachery, cruelty, and murder. With respect to the first of these, Her Majesty's Government observe, with satisfaction, that you determined not to take cognizance, except in special cases, of ordinary offences committed during the period of anarchy and confusion preceding the reconquest of the country; and, with regard to the latter, that you so tempered justice with mercy, as, whilst asserting the power of the British Government, to allay the general alarm engendered by the restoration of your military supremacy and to pacify the minds of the people.

19. The measures which you adopted, in furtherance of this object, were, in the estimation of Her Majesty's Government, marked by a discrimination equally just and expedient. The severest penalties of the law were inflicted only upon criminals known to have participated in the murder of our people. A proper distinction was drawn between mutiny and rebellion, and you rightly had regard to the exceptional circumstances of the people of Oude, who might be looked upon as men fighting for their national independence. That capital punishment was in so few instances carried into execution cannot be otherwise than a source of gratification to Her Majesty's Government.

20. Simultaneously with the measures for the apprehension and punishment of criminals abroad in the country, the officers of the Oude Commission, under your direction, proceeded to reconstruct the judicial system, and to re-organize the judicial agency of the province. Adverting both to the experiences of the past and the prospects of the future, I cannot doubt that it was far more advisable to construct a new system, than to revert to that which had been introduced on the first annexation of the province, which was found to be unsuited to the requirements of a people but recently removed from a feudal state, and little accustomed to the technical niceties and laborious procedure of our Regulation Courts. And Her Majesty's Government have, therefore, learnt with satisfaction, that you determined upon such a simplification of the law and course of procedure as was calculated to ensure a prompt administration of justice more in accordance with the habits and feelings of the people.

21. It might not unreasonably have been expected that the period immediately succeeding the reconquest of the province would be distinguished by an exceptional amount of criminal activity. The confusion and anarchy of the past might have engendered a spirit of lawlessness among the people, a general disregard for the sacredness of life and property, tending greatly to the extension of crime, and especially crime of a violent character. You rightly, therefore, increased the powers of your judicial officers, and you sanctioned a penal system tending to summary decisions. The evil of overloading the gaols was apparent. Under the old system, the practice of punishment by imprisonment and in-doors labour had been carried too far. It was rightly, therefore, determined to substitute for this too frequent incarceration in gaols pecuniary fines, and even corporal punishment. But care should be taken to guard against such power being abused, by restricting its exercise, in the case of flogging, to officers of mature experience.

22. It does not appear, however, that the anticipations which had been entertained of a large increase of crime during the period succeeding reconquest had, in any measure, been realised. The Judicial Commissioner, after some months, reported that, though there was reason to believe that a number of escaped Thugs had recommenced their old business, there were very few criminal cases to occupy the courts. A similar lull succeeded the annexation of the province in 1856; and I conceive that, in your Secretary's letter of the 8th of August last, you wisely pointed out the delusive character of this temporary cessation of manifest crime, and cautioned your judicial officers against any suspension of vigilance.

23. Her Majesty's Government observe, with satisfaction, that your efforts to reform the system of civil justice in the province have been exerted with equal promise of success. Your officers have been instructed to conduct their proceedings in the law courts in the manner best adapted to the habits and the feelings of the people. It appears, from the statements of Sir Robert Montgomery, and from other concurrent testimony, that during the year succeeding our acquisition of the province we contrived to establish a general dread and detestation of our law courts, mainly attributable, it is said, to the conduct of native subordinates brought from the regulation provinces. The presiding European officers have, therefore, been directed, as much as possible, to dispense with the services of the amlah, to rely upon their own notes of evidence, and to record their own proceedings. I perceive also, with satisfaction, that you have wisely discouraged the employment of vakeels or attorneys; that, generally, principals are to be confronted, and oral evidence preferred; in short, that recourse should be had to the popular system, borrowed from our predecessors, and which had uniformly been the rule of the judicial and magisterial conduct of our district officers in territories either acquired by the British Government in India, or falling under its management for a time. With a view, also, to diminish litigation, you have determined to limit the right of appeal to the superior tribunals. Her Majesty's Government, however, concur in the sentiments expressed in Sir James Outram's memorandum, in which, whilst strongly recommending this limitation, he urges the propriety of exempting from its operation all cases involving territorial disputes.

24. These important modifications, both of the fiscal and judicial systems of the country, which, being more in accordance with the ancient usages, as well as with the present habits and feelings of the people, will, Her Majesty's Government earnestly hope, give satisfaction to all classes, are to be carried out through the agency of a commission differing but slightly from that which was established on the first annexation of the province. Past experience, however, having shown that a multiplication of the higher offices may lead to conflicts of authority very injurious to the public service, you have, for that reason, as well as on account of financial considerations, very properly abolished the office of Financial Commissioner. You have strengthened, at the same time, the lower ranks of the Commission by the appointment of six additional assistant Commissioners, said to have been "required by the existing circumstances of the province." But Her Majesty's Government are justified, by the favourable reports which you have recently forwarded, in believing that, at no distant period, you will be able

to

to reduce, without detriment to the general efficiency of the administration, the number of highly paid European functionaries who have hitherto imposed so serious a burden upon the financial resources of the country.

25. The extent to which you have employed the natives of the province in the reformed administration is not very apparent in the papers before me. Concurring, however, in the sentiments expressed in the 35th paragraph of Lord Stanley's Despatch, of the 13th of October 1858, I observe with satisfaction, that in the letter of your Foreign Secretary, dated 6th October 1858, it is stated, that "the Governor General is of opinion, that in reconstructing the commission it would have been unfair to exclude those natives who have stood firm in their allegiance to the Government, and have continued to aid it to the best of their ability in times of unparalleled trouble and difficulty, and it would be unwise to deprive ourselves of some of our most efficient officers, even though they have behaved well, because many of their countrymen have exhibited a feeling of hostility to the Government, and have done their best to injure it. The Governor General is of opinion that such a policy would be suicidal." In this opinion Her Majesty's Government entirely concur; and it will always be a source of satisfaction to them to learn that in all parts of the country, but especially in our newly acquired districts, native agency has been employed in the administration of the country to the fullest extent compatible with the general interests of the State.

26. I cannot conclude this Despatch without giving expression to the satisfaction with which Her Majesty's Government have watched the salutary consequences of Lord Clyde's military precautions in Oude, and the progress of the zealous and successful exertions of Sir Robert Montgomery and the other officers of the Oude Commission, to reconstruct the British administration in that province. I feel assured that your wise and benevolent exertions to adapt the present system of Government more to the character and the requirements of the people than that which was instituted on our first acquisition of the province will be seconded by the present Commissioner, Mr. Wingfield, whose energy and sagacity in other arduous positions so fully justified your confiding to him the important duties of Chief Commissioner in Oude.

I have, &c.
(signed) *C. Wood.*

(No. 28.)

To the Right Honourable the Secretary of State for India.

Sir, Camp Timmoo Ghât, 16 March 1860.

I HAVE the honour to forward for your information the accompanying copy of a letter from the Assistant Secretary to the Chief Commissioner of Oude, relative to the rule of succession in talooquas, and of the Secretary's reply to it. Foreign Department.

I have, &c.
(signed) *Canning.*

(No. 531 of 1860.)

From *R. M. King*, Esq., Assistant Secretary to the Chief Commissioner of Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India with the Governor General, Camp, Lucknow, 13 February 1860.

Sir,

IN forwarding to you copies of the letters* called for in your No. 139 of 18th ultimo, I am directed to state that the Chief Commissioner takes the opportunity of bringing the whole question of the rule of succession in talooquas before His Excellency the Governor General, and of reporting the steps he has taken, to which he should in any case have considered it his duty to obtain His Excellency's sanction. Revenue.

2. It

* Circular, No. 143, dated 11th October.
Letter, No. 532, dated 22d October, from Commissioner, Lucknow.
Reply, No. 2733, dated 5th December.

2. It must here be explained that the Chief Commissioner has been considering the question of primogeniture as distinct from that of entails, his object as yet being merely to prevent the sub-division of estates. Entails, so as to prevent the alienation of property he has not taken up, and will not now treat of.

3. Circular No. 143, called for a return of all talooqdas in which the law of primogeniture, or direct succession in the male line, as opposed to the ordinary Hindoo law of succession, had always prevailed. Such families are known as having a "guddee." The return is not complete. There will probably be about 30 families in which this custom has never been departed from. Wherever there is a raj, *i.e.*, where the right to the title of raja is universally acknowledged, it is sure to prevail, but many families of less rank, who cannot properly claim the title, have adopted the custom.

4. Wherever it is in force it is in our power to maintain it by merely refusing to allow any deviation from it; the principal of our civil code being to conform to local usage, and in all cases involving right in land (even disputed succession) the revenue authorities alone have jurisdiction. But in the great number of talooquahs, the "guddee" or rule of primogeniture is not in force, and to prevent the sub-division of these estates, and the necessary consequence, viz., a multitude of petty and impoverished proprietors, the Chief Commissioner issued another circular, No. 7, dated 18th ultimo, copy of which is enclosed.

5. The Chief Commissioner has thought it possible, since the proprietary right in the soil of Oudh has been confiscated, and every settlement now made conveys a free gift of the land from the British Government to make it a condition of that gift that the estate shall not be subject to sub-division. He has also thought that the Government would the less object to insisting on this condition if it was found agreeable to the feelings of the landholders, and if a wish to that effect were formally expressed by them, and it occurred to him that the condition might be irrevocably binding by being inserted in the sunnud as one of the fundamental stipulations of the grant of the estate.

6. For the above reasons he has as yet abstained from giving sunnuds to those talooqdars who were not present at the Governor General's durbars. In the families of most of those who were present, promogeniture is the rule, but in the few cases where it is not, the Chief Commissioner proposes to make a similar alteration in their sunnuds.

7. The Chief Commissioner may here observe, that he has conversed with many talooqdars on this subject, and all have readily embraced the Chief Commissioners proposal. They are deeply impressed with a sense of the evils of incessant sub-divisions, and of the miserable condition to which it will reduce their descendants, and they will feel it to be a boon scarcely inferior to the amnesty, and the grant of their estates, if they can be preserved intact in their families.

8. The support of the younger branches will be a charge on the head of the house, but the authorities might lighten the burden materially by reserving a large proportion of the higher revenue appointments, such as tehseeldarships and naib tehseeldarships for the younger members of the great talooqdary families. The Chief Commissioner will see that this is done. He sees no reason why the highest ranks in the police should not be filled from the same class. The son-in-law of the Maharajah Maun Sing is a ressaldar in the Sooltanpore police.

9. The Chief Commissioner, it will be observed, does not meddle with the right to succession when the direct male line fails. This, of course, will depend on law, religion, or custom. The principle on which he proceeds is to extend the rule of the "guddee," or primogeniture, which is simple and intelligible, and which the landholders see in daily operation around them.

10. The Chief Commissioner does not enlarge on the importance of preserving a landed aristocracy, as he apprehends there is no dissent from that view, nor does he try to show that the attainment of that object is incompatible with incessant sub-divisions of landed property, for that is a self-evident proposition.

11. The question of entailing property, in order to prevent its alienation, is quite a separate one, and involves many nice considerations, especially as to its possible effect on credit, which require much thought. It is also subordinate to the

the first question of primogeniture, for unless landed property can be saved from subdivision, the Chief Commissioner doubts if it is expedient to place obstacles in the way of its transfer. Facility of alienation is the great corrective of the evil of minute subdivision, and affords the only means of bringing property together again in a single possessor. The Chief Commissioner thinks it would be a great evil that the soil should be locked up in the hands of petty and impoverished proprietors, and made inaccessible to capital and enterprise.

I have, &c.
(signed) *R. M. King*,
Assistant Secretary to the Chief Commissioner, Oudh.

(No. 881.)

From the Secretary to the Government of India, with the Governor General, to the Chief Commissioner of Oude, dated, Camp Kurkawalla, 10th March 1860.

Sir,

I AM directed to acknowledge the receipt of your assistant secretary's letter, No. 531, dated the 13th ultimo, forwarding with your observations the papers which attracted attention in the abstract of correspondence for the week ending 10th January 1860.

2. You observe that in Oude there are two classes of talookdars, those in whose families the law of primogeniture prevails, and those in whose families succession is regulated by the ordinary Hindoo law. The former are about 30 in number, and are known as having a "guddee." The law of primogeniture will be maintained in these families under the principle of the civil code which provides for the recognition of local custom by the courts.

3. But in the greater number of talooks, the rule of primogeniture is not in force. To prevent the subdivision of these estates into a multitude of petty holdings by impoverished proprietors, you are of opinion that it might be made a condition of the gift of each estate, that the property shall not be subject to subdivision. You have, therefore, meanwhile abstained from giving sunnuds to those talookdars who were not present at the Lucknow Durbar, and you have called on the district officers to explain to all talookdars entitled to receive sunnuds, the advantages of the law of primogeniture, and to invite them to subscribe the following agreement:—

"The British Government having conferred on me the full proprietary and hereditary rights in the illaka of ——, it is my desire and will that, on my death, my illaka descend entirely by the rule that governs succession to landed property where there is a guddee in the family, the younger being supported by the head of the house."

4. You also propose to take a similar agreement from those talookdars who have received sunnuds, and in whose family the law of primogeniture does not prevail, and to make an alteration in their sunnuds accordingly.

5. Under these measures the support of the younger branches of the family would be a charge on the head of the house. But you propose to lighten the burthen by reserving a large proportion of the higher revenue appointments, and also appointments in the highest ranks of the police for the younger members of the great talookdaree families.

6. You abstain at present from discussing the question of entail, which is quite separate from that of primogeniture, and involves many nice considerations, especially as to its possible effect or credit, which require much thought.

7. As regards the question of entail, I am directed by the Governor General to call your attention to my letter, No. 6268, dated 10th October last. In that letter, and in the form of sunnud sent to you for adoption, his Excellency guaranteed to every talookdar with whom a summary settlement has been made since the re-occupation of the province, a "permanent hereditary and transferable proprietary right in the talooka for which he has engaged." The question of entail is, therefore, no longer an open one.

8. As respects the law of primogeniture, I am directed to observe, that the condition which you propose to insert in the sunnuds which remain to be conferred, is much too stringent. It would limit the power of the talookdar over his estate to a degree which is not consistent with the promise of the Governor

General, that his right shall be hereditary and transferable. It would also have the evil effect of a law of entail in leading to the retention of large estates by an impoverished proprietor, in the not unfrequent case of long-continued extravagance and wastefulness.

9. The Governor General has no doubt that each talookdar ought to be left free to dispose of his estates in whole or in part as he pleases, and either by sale, gift, or bequest. But when a talookdar dies intestate, his Excellency agrees with you in thinking it desirable that the estate should devolve on the nearest male heir, according to the rule of primogeniture applicable at present to estates having a guddee.

10. Again, where sunnuds have been already given, the proposal now of a new condition would be objectionable, unless in cases where the condition is entirely in accordance with the wishes of all concerned. In such cases, and when the consent of all existing heirs shall have been obtained, his Excellency has no objection to apply the same rule to these estates also.

11. The Governor General recognises the advantage of encouraging the inheritance of landed estates by primogeniture, or, at least, the transmission of them undivided to one heir; but the most that can be done towards bringing this about, will be to make it a condition with those to whom sunuds have not yet been granted, that if they die without having disposed of the succession to their estates that succession shall follow the rule observed in the families which have a "guddee" in Oude, and not the rule of partition. The first of these rules, although not the one most prevalent in the province, is certainly well understood there.

12. With respect to the employment of younger sons in the service of Government, the Governor-General desires that where there is a reasonable hope of fitness for the appointment, no favourable opportunity should be missed of placing the higher appointments of the revenue and police service in the hands of the younger members of the talookdaree families; and *cæteris paribus*, those who, as being younger sons of families in which primogeniture prevails, are without patrimony, should have a preference in the selection.

13. But his Excellency does not wish it to be understood that this measure is adopted solely, or even mainly, on their account. It should be applied to all. The public interest will be promoted as much, although in a different way, by placing in those offices men of small landed estates as by bestowing them on those who are without any inheritance at all.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to Government of India,
with the Governor General.

(No. 62.)

Foreign Department.

The Government of India to the Secretary of State for India, dated Fort William, 3 July 1860.

Sir,

With reference to the Governor General's Despatch, No. 8, dated 18th November last, we have the honour to transmit further correspondence with the Chief Commissioner* on the subject of granting revenue and magisterial powers to talookdars in Oudh; together with copy of a notification published in the "Gazette."

We have, &c.
(signed) *Canning.*
H. B. E. Frere.
J. Wilson.

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* From Officiating Secretary to Chief Commissioner, dated 12th March.
To - ditto - - - ditto - dated 30th „
To - ditto - - - ditto - dated 3d „
From - ditto - - - ditto - dated 16th „
From - ditto - - - ditto - dated 19th April.
To - ditto - - - ditto - dated 25th „
From - ditto - - - ditto - dated 22d May.

(No. 898 of 1860.)

From *Charles Currie*, Esq. Officiating Secretary to the Chief Commissioner, Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India, Foreign Department, with the Governor General; dated, Lucknow, 12 March 1860.

Sir,

I HAVE the honour to state, for the information of the Right Honourable the Governor General, that the Chief Commissioner having now visited every district in the province, and made the personal acquaintance of almost every gentleman of station in it, I am directed to submit for his Excellency's approval, two lists of talooqdars on whom the Chief Commissioner proposes to confer magisterial and revenue powers, or both. The number recommended for magisterial powers is limited, not because the Chief Commissioner is apprehensive of any disposition on the part of talooqdars to abuse the authority, far from it, but because more do not at present desire to exercise it. They are, in fact, afraid of undertaking it. From the practice of the criminal courts in the North Western Provinces, they have formed the idea that our judicial system abounds with technicalities and pitfalls, and that long previous study is required to master even its formula; and though this impression is quite erroneous as regards the procedure of our Oudh courts, it will be some little time before it is eradicated; at present, the majority of talooqdars fear the task is above their capacities. When they come to see how easily magisterial authority is exercised by the talooqdars now invested with it, this delusion will be dispelled, and they will become as anxious to receive the authority as they are now diffident of their ability to assume it. Revenue.

2. The Chief Commissioner, therefore, proposes to increase the number of those who are to exercise magisterial powers, with great caution. For he is most unwilling that the bestowal of these powers should be thought other than a great favour and mark of confidence, and would much regret their being looked on as a burdensome honour. He has therefore confined his recommendation to men whom he knows feel themselves equal to undertaking the duties of magistrates.

3. The Chief Commissioner would also remark, in explanation of what he has said above, that under the native Government criminal jurisdiction within the limits of their estates, was not universally exercised by talooqdars, nor was it deemed their undoubted right; neither was it coveted by them, for it gave trouble and freed them for no inconvenience. They would willingly leave the punishment of offenders against individuals or the public peace to the local Government officials, if the latter cared to prosecute them, satisfied if they could punish offenders against themselves personally, a power which the native Government was not disposed to deny them.

4. Revenue jurisdiction, on the other hand, is what all talooqdars enjoyed under the native Government, and it is greatly prized now. It protects them from the interference and impertinence of petty officials, and ensures the respect and obedience of their tenantry. It is very easy to exercise, and even in our forms comes natural to every landholder.

5. The Chief Commissioner considers that whenever a talooqdar has proved himself to be a just and considerate landlord, and an improver of his property, revenue powers may safely be conferred upon him, and should be, both as a reward to him and as an incentive to others to promote in like manner the happiness and prosperity of those holding under them. On this principle he has acted in conveying his recommendation for the bestowal of revenue powers, and the talooqdars worthy of them are tolerably numerous.

I have, &c.
(signed) *Chas. Currie*,
Officiating Secretary to the
Chief Commissioner, Oudh.

List of Talooqdars recommended for Magisterial and Revenue Powers.

NAME of TALOOQDARS.	Amount of Revenue he Pays.	District.	REMARKS.
Raja Lal Madho Singh, Babadoor of Gurh Amethee.	1,30,000	Sooltanpore	I have seen a great deal of this talooqdar, and have formed a very favourable opinion of him. In ability I rate him as hardly inferior to Maharaja Maun Sing, while he is gifted with rare energy and activity of mind. He is very anxious to have occupation, and to distinguish himself in official duties.
Bakur Hoosein	60,000	Fyzabad	A joint proprietor with his brother in the estate, but the latter agrees to this talooqdar exercising the powers over the whole estate. I am well acquainted with this gentleman also. He is a man of superior education; the family possess lands in Jounpore district also, and behaved very well during the rebellion, having protected the border Tehsil of Mabowl.
Rajah Shumshere Bahadoor	12,000	Seetapoor	Possesses but a small estate, but is a man of superior education and peculiar intelligence; has commenced learning English, and is most esirous to employ his time usefully. The Deputy Commissioner of Seetapore speaks of him in the highest terms.
Moonshee Fuzzul Russool	10,000	Hurdui	A small property, but the owner is a person of high education and intelligence.
Chowdree Hushmut Ally	41,000	Hurdui	An active minded able man, of great local influence; has been rewarded for services rendered to the British Government during 1858: held high employment under the Native Government.
Shurrubjeet Sing, of Tekaree	14,000	Pertabgurh	Though not owner of a large estate, this talooqdar is one of the best specimens of a Rajpoot gentlemen I have met with. He has received rewards in land from the Government, and is confidently recommended for the exercise of both powers by the Deputy Commissioner; the latter highly extols him as a landlord, and says he has never yet had a complaint of any kind from a tenant on his estate.
Mahomed Ushruf	25,000	Hurdi	A very respectable, well-educated and intelligent native gentleman, who has been rewarded by Government for his unshaken fidelity throughout the insurrection; half the estate belongs to his brother, but it has been agreed between them that Mahomed Ushruf should exercise jurisdiction over the whole; he is fully competent for the task. One or two of his relatives have been in high employment under the British Government, and a younger brother has lately been appointed a Tehsildar.

(signed) *Charles Currie,*
Offg. Secy. to Chief Commissioner, Oudh.

List of Talooqdars recommended for Revenue Power only.

NAME.	Juma.	District.	REMARKS.
Rajah Hunwunt Sing, of Kala Kunkur.	80,000	Pertabgurh	Saved European life during the rebellion, and has been rewarded by our Government. Is a shrewd, though somewhat illiterate man. Manages his estate well.
Raja Drig Bije Sing, of Morarmow.	50,000	Roy Bareilly	Saved Captain Thompson and Delafosse. Is a very worthy man, but not possessed of much ability. Manages his estate very well; is much beloved by his tenantry, who revere him as the head of the most powerful clan of Rajpoots (the Bais) in Oudh.
Raja Jugpal Sing Teloee	80,000	„	Chief of the Kunpooria Rajpoots. The raja is a well-conducted man, though not gifted with much ability; but he is guided by the advice of his uncle, who is a person of rare intelligence; has been rewarded for his services during 1858.

List of Talooqdars recommended for Revenue Power only—*continued.*

NAME.	Juma.	District.	REMARKS.
Dewan Hurmungul Singh -	13,000 - -	Pertabgurh - -	A very loyal man, and of excellent character; much beloved by the tenantry on his estate.
Thakoor Byroo Bux - -	30,000 - -	Pertabgurh -	Is brother and heir of Rajah Bijee Buhadoor, Chief of the Soohubunsee Rajpoots, whose estate he manages, the rajah being an imbecile. Byroo Bux is a well-educated, upright and intelligent man, and very highly spoken of by the district officer.
Rajah Furzund Ally Khan -	23,000 - -	Durriabad - -	An educated man, and possessed of much intelligence; was much about the court of the late king, but now lives on his estate.
Rae Pertab Bullee - -	31,000 - -	Durriabad - -	A man of intelligence, and a good landlord; the founder of the family was a Canoongoe, and that officer long remained in the family.
Chowdry Surfuraz Ahmed -	20,000 - -	Sooltanpore - -	An intelligent and well-educated gentleman; has been rewarded for his services to the British Government.
Thakoor Gooman Singh -	25,000 - -	Seetapore - -	A highly respectable Rajpoot Talooqdar; assisted the fugitives from Sultanpore at the commencement of the mutinies; much liked by his tenantry.
Mirza Aga Jan - - - -	18,000 - -	Seetapore - -	An educated Mahomedan gentleman, with many European tastes. Is a good landlord, and looks after his own affairs. The Deputy Commissioner reports that he has hardly ever had a complaint from the tenants on this estate.
Mirza Ahmed Beg, of Kootubrugger.	14,000 - -	Seetapore - -	A relative of the preceding; not possessed of the same intelligence, but described as an equally good landlord.
Thakoor Dal Sing - -	15,000 - -	Hurdui - -	A very worthy Rajpoot Talooqdar, who has been rewarded for fidelity to the British Government; is a good landlord.
Hukeem Karm Ally - - -	12,000 - -	Durriabad - -	A much respected Mahomedan gentleman; described by the Deputy Commissioner as a person of remarkable ability and learning, and of much local influence.
Kazee Surfuraz Allee - -	21,000 - -	Durriabad - -	A Mahomedan gentleman, of much ability and influence; strongly recommended by the Deputy Commissioner.
Raja Madho Pertab Singh -	40,00 - -	Fyzabad and Sultanpoor.	Head of the Rajkoowar clan of Rajpoots; a young man of intelligence, and a good landlord. I have seen much of him lately.

(signed) *Charles Currie,*
Offg. Secy. to the Chief Commissioner, Oudh.

(No. 1111 of 1860.)

From *C. Beadon*, Esq., Secretary to the Government of India, with the Governor General, to the Chief Commissioner of Oudh, dated Camp Hoshiarpore, 30 March 1860.

Sir,

Foreign Department.

In reply to your officiating secretary's letter, No. 898, dated 12th instant, submitting for approval two lists of talooqdars, on whom you propose to confer magisterial and revenue powers, I am directed to acquaint you that the Governor General sanctions your proposal; but his Excellency desires me at the same time to state that the proportion which the number of talooqdars whom you desire to invest with revenue powers only, bears to the number of those who are recommended for magisterial and revenue powers, is larger than his Excellency wishes to be adopted as a rule.

2. In conferring revenue powers alone upon those whom you have named for these, the Governor General desires that it may be made clear to them, that if the Government considers it expedient that they should act as magistrates, they will be expected to do so, and to give time and attention to the work.

3. His Excellency has no doubt that most of the talooqdars would be glad to possess revenue powers, for these are a direct convenience and advantage to themselves, while probably there are few who care to be troubled with magisterial duties, but this makes it the more necessary to guard against their receiving at the outset the impression that the sole object of the Government is to confer a favour or boon upon them. The object is also to associate them with the administration of their country and to knit them to the Government; and they must be made to understand what the Governor General has already, in very similar circumstances, said publicly to the sirdars of the Punjab, that they are entrusted with these powers, not for their own purposes alone, but for the general good.

4. This, I am to desire, is no reason for forcing magisterial duties on unwilling men, still less upon incompetent or untrustworthy men; but it is a strong reason against encouraging the notion that talookdars may at pleasure escape the onerous part of the charge, and be invested only with that part which is advantageous and agreeable to themselves.

I have, &c,
(signed) *C. Beadon,*
Secretary to the Government of India,
with the Governor General.

(No. 772 of 1860.)

From the Under Secretary to the Government of India, with the Governor General, to the Chief Commissioner of Oudh, dated Camp, Sealkote, 3d March 1860.

Sir,

Foreign Department.

I AM directed to request that you will submit, for the information of the Governor General, a copy of the papers entered as No. 1 of your abstract of proceedings in the revenue department for the week ending 3d December 1859, on the subject of investing certain talooqdars with magisterial and revenue powers within the limits of their estates.

I have, &c.
(signed *C. U. Aitchison,*
Under Secretary to the Government of India,
with the Governor General.

(No. 949 of 1860.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India, with the Governor General, dated Camp, Lucknow, 16th March 1860.

Sir,

Revenue.

IN reply to your letter, No. 772, dated 3d instant, I am directed to forward to you, for the information of his Excellency the Governor General, two printed copies of Circular No. 163, dated 28th November last, containing rules for the guidance of talooqdars invested with revenue and magisterial powers within the limits of their estate.

I have, &c.
(signed) *Charles Currie,*
Officiating Secretary to
the Chief Commissioner of Oudh.

(No. 163—2695.)

From *C. Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to the Commissioner and Superintendent of Division, dated Lucknow, 28th November 1859.

Sir,

You will have seen, from the published correspondence, that his Excellency the Governor General has been pleased to invest certain talooqdars with magisterial and revenue powers within the limits of their estates. The Chief Commissioner now forwards, for your information and that of your district officers, a manual for the guidance of talooqdars as magisterial and revenue officers, from which will be learnt the nature and extent of the duties entrusted to them. Vernacular copies have been sent to talooqdars, but they will not enter on the exercise of their new duties until they have been personally inducted into them on their own estates by the Chief Commissioner, agreeably to the desire of his Excellency.

2. Intimation of this event will be sent to the Deputy Commissioner, and be proclaimed throughout the district. In the meantime, however, it is desirable they should have the opportunity of forming an idea of their new duties, and of getting doubts removed and difficulties explained by reference to the district officers. Therefore, the Chief Commissioner loses no time in forwarding the manual.

3. This does not pretend to give more than an outline of the duties, especially the judicial; but the Chief Commissioner thought it advisable, at first, to avoid entering on details of procedure which might perplex and alarm them. Experience will, in the end, make them masters of these.

4. His Excellency has observed that this measure is one, the importance of which, if it is successful, will reach far beyond the limits of Oudh, It will, in fact, be the dawn of a new era for the landed gentry of India; and to Oudh will belong the credit of having initiated it. The Chief Commissioner earnestly hopes that divisional and district officers will share the deep interest he takes in its success, and will co-operate with him to ensure that end. Without their co-operation, success would be hopeless; and they can best afford it by giving the talooqdars the benefit of their advice, instruction, and encouragement, which they should not wait to be asked for, but should proffer on all occasions. They should regard the talooqdars in much the same light as the magistrate and collector regarded a young assistant, fresh from college, recommended to his care, and not as subordinates, to be rebuked and found fault with for mistakes and errors of judgment. The talooqdar magistrates will make mistakes at first, but the Commissioner is convinced that, to men like Maharajah Maun Singh and the Maharajah of Bulrampore, experience is the only thing wanting. Their local knowledge and great personal influence give them immense advantages as magisterial officers.

5. As the Chief Commissioner feels himself mainly responsible for the success of this measure, he thinks it necessary to direct that no unfavourable comments on a talooqdar's proceedings in any case, even a judicial one, which the Commissioner, Deputy Commissioner, or Judicial Commissioner, may think it his duty to pass, should be communicated to him, save through the medium of the Chief Commissioner, who will hold himself at liberty to withhold the censure or to soften the terms. A harsh style of address, which the native moonshees would be too well disposed to adopt, or the serious notice of trifling errors, might disgust the talooqdar with his new duties. He must always be treated with marked courtesy in communications to him in his official capacity.

6. The tehseeldar, it will be understood, will cease to exercise any jurisdiction within the limits of the illaqua of a talooqdar invested with the powers above described; but the canoongoes will perform their functions as formerly, under ours and the native Government.

7. If the talooqdar's estates should cover such an extent of country that it would plainly be a hardship to send parties in criminal cases to his court on account of the distance they would be subjected to travel, the Chief Commis-

sioner will feel himself obliged to confine the talooqdar's magisterial jurisdiction to the compact portion of his estate.

8. Thus, for instance, the Maharajah of Bulrampore could not, with advantage, exercise magisterial powers in the ilaqua, west of Goolurrya Ghat, on the Raptee.

I have, &c.
(signed) *C. Currie*,
Officiating Secretary to
the Chief Commissioner of Oude.

RULES for the Guidance of Talooqdars invested with Magisterial Powers.

1. THE jurisdiction of the talooqdar magistrate shall at first be confined to the limits of his estate, but may be extended hereafter beyond them, when he has acquired experience in the exercise of his judicial duties.

2. His powers will be the special powers of an assistant magistrate; that is to say, in felonies, he can sentence to six months' imprisonment with hard labour in irons, and one month more in lieu of stripes. In misdemeanors, he can sentence to six months' imprisonment with labour, but without irons; labour being redeemable by a fine not exceeding 200 rupees; and in addition to the imprisonment, he can fine to the extent of 200 rupees, commutable to further imprisonment for six months.

3. If the offence is one that requires no severer punishment than can be awarded under the above powers, the talooqdar can himself pass final orders, sentencing the prisoner, if he finds him guilty, and acquitting him if he thinks him innocent, or proof of guilt wanting. If, on the other hand, the offence calls for severer punishment, and he finds the prisoner guilty, and acquitting him if he thinks him innocent, or proof of guilt wanting. If, on the other hand, the offence calls for severer punishment, and he finds the prisoner guilty, he must record his opinion, and send the proceedings, with the prisoner and witnesses, before the Deputy Commissioner. If he considers the prisoner innocent, he can release him; but if he is in doubt on this point, he can admit the prisoner to bail, and send the proceedings, but not the witnesses, to the Deputy Commissioner.

4. In Oude, stripes have been declared to be the appropriate punishment for burglary and theft without aggravating circumstances, knowingly receiving property obtained by simple burglary and theft, cattle stealing, perjury, wanton destruction of property, counterfeiting the coin, concealment of arms, unnatural crimes, Stripes cannot be inflicted by any officer exercising powers less than those of a full magistrate. If, therefore, he convicts the prisoner of any of the above crimes, he must always send him, with the proceedings, to the Deputy Commissioner; but he need not send the witnesses also, unless the offence is such as to require severer punishment than it would be in his power to impose, supposing stripes had not been substituted for imprisonment. For instance, the witnesses need not be sent in cases of wanton destruction of property, concealment of arms, or of theft without violence, in which the property stolen does not exceed 200 rupees value.

5. Assault and affrays not attended with serious violence, trespass, fraud, sitting dhurna, abduction of unmarried women under 15 years of age, abuse, forgery, and subornation of forgery and false complaint are punishable by imprisonment or fine, or both. He must, however, bear in mind, that as it is considered desirable to avoid having recourse to imprisonment, fine, wherever that affords a sufficient punishment, should first of all be imposed; the fine to be levied by distraint and sale of the offender's moveable property; and imprisonment should only be resorted to on failure to realise the fine. If he thinks fine up to 200 rupees alone inadequate, he will sentence to imprisonment too, and if he thinks a severer punishment requisite than it is within his power to impose, he will record his opinion, and send the proceedings, with the defendant and witnesses, to the Deputy Commissioner.

6. But the talooqdar magistrate will also investigate and prepare heinous cases requiring much severer punishment (if they have occurred within the limits of his estate), which will be made over to him by the police. If he considers the proof sufficient, he will send the prisoner and witnesses to the Deputy Commissioner. In this case, he will not hold a regular trial and record the evidence in detail, but will merely note the material facts. If he thinks the prisoner innocent or the proof insufficient, he will detain him in custody, and send the proceedings, with his opinion, to the magistrate.

7. Such cases as above described will be murder, culpable homicide, rape, dacoity, highway robbery, theft, and burglary of large amount, or accompanied with personal violence, attempts at the above, assaults and affrays attended with wounding, or in which arms have been used, forgery, arson, and child stealing.

8. The talooqdar magistrate will, in fact, hold much the same position as the tehseeldar magistrate; for though the former has the special, and the latter only the simple powers of a magistrate,

a magistrate, yet the practice of substituting stripes for imprisonment in all felonies, not of a serious nature, and in other cases, will necessitate his referring most cases to the deputy Commissioner, his extended powers will not generally come into operation except in misdemeanours. The rules, therefore, for the guidance of tehseeldar magistrates, laid down in in Circular No. 26 of 23d February, by the Judicial Commissioner, will, in the main, be applicable to the talooqdar magistrate, and a translation of them is subjoined for his information.

9. Heinous cases may come before the talooqdar magistrate, without being made over to him by the police. He can investigate them on the complaint of the aggrieved parties.

10. He can receive petitions on paper of the usual stamp value; and petty misdemeanours, such as abuse, slight assault, sitting dhurna, will always come before him on the complaint of the injured parties, as the police have no authority to send such cases before a magistrate. The restriction plaeed on the police against taking up cases of theft and burglary unattended with violence, except on complaint of the aggrieved parties, applies equally to the talooqdar magistrate.

11. The talooqdar magistrate may take cognisance of complaints of forcible dispossession from land tanks and houses, if preferred within a month of the ejectment, not if a longer period elapsed. In all such cases the talooqdar will look to the fact of possession, not of right, and will maintain the party previously in possession; he must also satisfy himself that there has been *bonâ fide* forcible dispossession, otherwise he must take up the complaint. It is very much the practice for petitioners to say, they have been dispossesed, when they have been only threatened with dispossession, or fancy that they have cause to apprehend it.

12. The talooqdar magistrate will not take up charges of perjury, unless the act has been committed in his court.

13. The talooqdar will appoint a secure place for the confinement of offenders under trial before him.* If accused of murder, dacoity, burglary, or theft, they should be kept in irons; if of misdemeanours only, security or recognizances may be accepted. Male and female prisoners must be kept separate; witnesses must never be kept under restraint; indigent witnesses may be dieted at the rate of nine pie a day.

14. In very serious crimes, such as murder and dacoity, the tehseeldar is bound to proceed to the spot, and there conduct the judicial investigation. This duty, if the crime occurs withim the limits of his estate, will now devolve on the talooqdar magistrate; but till he has acquired greater experience, it will be advisable for him to call in the aid of the tehseeldar, who will be directed to attend at once to his invitation.

15. Whenever in doubt as to his jurisdiction in offences or powers of punishment, or on any other point, the talooqdar magistrate should seek advice from the Deputy Commissioner, who is requested to afford it him at once, and to aid him at all times with friendly counsel and instructions.

16. An appeal from the judicial orders of a talooqdar must be heard by the Deputy Commissioner, and never by any officer of less degree.

17. The police must obey all orders that the talooqdar magistrates may issue, connected with the trial or investigation of a case, but he is not authorised to issue orders of a general nature to the police, such as to make a general search for arms; to withdraw a police post from one place and to establish it in another. If he anticipates an affray, he should send information to the police, and, if necessary, accompany them to suppress it.

18. If some police posts in a talooqdar magistrate's estate are situated near the Sudder station, the rule in para. 8 of the Judicial Commissioner's Circular, which directs that cases from these posts should come direct to the Deputy Commissioner's court, will be observed.

Mode of Procedure.

1. The talooqdar magistrates must hold open court in a barradaree or other open place at certain hours between sunrise and sunset, and any one must be allowed to enter.

2. He will use a seal bearing the following inscription in English and Persian, "Cutcherry of Rajah So-and-so, talooqdar of such a place, or owner (malik) of such and such raj, assistant magistrate."

3. Eight badges will be supplied to him to be worn by his servants as chuprassies or muzkooree

* A havildar and eight sepoys of the military police will be allowed for his hawalat guard.

muzkooree peons. As a general rule, he will summon witnesses and defendants through the police, but in petty misdemeanours, where it is right the complainant should bear the expenses of subpœna, he may summon them by muzkooree peons (process servers).

4. Talooqdar magistrate must, in all trials or judicial investigations, interrogate the witnesses himself, and take down their depositions and the statement of the defendant in writing with his own hand, and his decision will be recorded in the same way. If he is ignorant of the Urdoo character he can use the Hindee, and an Urdoo translation of the proceedings must be attached. But as this process would cause delay, it would be better that a son, nephew, or near relative be allowed to write for him. All interrogatives must, however, be put by him; no approach to the old condemned style of deposition writing can be permitted.

5. The witnesses should not be kept waiting, and they should be dismissed when the evidence has been taken; but a witness who prevaricates or withholds the truth may be detained.

6. He should endeavour to record evidence in concise terms, not allowing the witnesses to go off on irrelevant topics, but should confine them to the matter at issue.

7. He must take down the confession of prisoners in the prescribed form annexed, and he should record, as nearly as possible, the exact words of the prisoner.

8. Plaintiffs and witnesses must be sworn on the Kooran and Ganges water, or in the manner most binding on their consciences. Defendants must never be sworn.

9. He must give copies of his orders to the parties applying for them, on their furnishing the usual stamp paper and paying the costs of transcription at the rate in force in the district.

10. When the talooqdar magistrate has himself sentenced a prisoner, he will return any stolen property to the owner; but if the case is sent on to the Deputy Commissioner for orders, he will retain it until the orders are received. On giving up the property to the owner he will take a receipt for it. If it consists of live stock, it should be made over to the owner while the case is under investigation, but the owner will not be at liberty to remove it from the neighbourhood of the talooqdar's court until the case is disposed of.

11. All fines he will remit to the tehseel.

12. He will submit monthly the following returns to the Deputy Commissioner, copies of which are subjoined:—

1st. A return of fines imposed upon him.

2d. A return of cases pending before him at the close of the month.

3d. A register of cases decided.

4th. A return of charges incurred in dieting prisoners and indigent witnesses.

Revenue Jurisdiction of the Talooqdar.

The only Court for the decision of summary suits between landlord and tenant within the limits of the talooqdar's estate, is that of the talooqdar, who will in this respect, exercise the powers of a Collector of Revenue.

2. He should appoint tehseeldars of approved character to sub-divisions of his estate, paying a rental of from 20,000 to 40,000 rupees. These tehseeldars will have the powers of landholders for the realization of the rents, by placing watchmen (shainas) over the crops, and preventing their removal from the threshing floor till the demand is satisfied; or, if the crops have been removed, and an arrear has accrued, by distraining the moveable property of the defaulter (cattle and implements of husbandry excepted), and bringing them to sale after the usual notice, through the talooqdar; or the tehseeldar may proceed by summary suit before the talooqdar.

3. In the latter case, the tehseeldar will bring the summary suit before the talooqdar, in exactly the same way as the talooqdar's agent would have brought it before the Collector. The plaint will be filed on the usual stamp paper of eight annas value for any amount of claim.

4. The talooqdar will hear and decide the suit on exactly the same principles as the Collector would do. As puttahs will have been given in all cases in which the rents are paid in money, and as the proportion will have been fixed wherever they are paid in kind, there can be no difficulty in coming to a decision. He can have the defaulter brought before him to answer the demand; and if it is decreed against him, the tehseeldar must sue out execution either against the personal property of the defaulter, or against the tenure on which the balance has arisen.

5. If the defaulting tenant against whom a decree has been given, is a mere cultivator (asamee), he can be ejected at once from the land; but if he is a sub-proprietor, his holding can be transferred for a term not exceeding five years, to any one of the other sub-proprietors

proprietors who will pay the arrear. If they refuse, the holding can be brought to sale, but the sanction of the Deputy Commissioner must first be obtained for sale.

6. When the village has been given in lease (teeca) the tehseeldar will proceed against the defaulting teecadar in the same way, but the property of the teecadar only, not of the sub-proprietor or cultivators of the village, will be liable to seizure in execution of the decree.

7. If the latter fail to pay the teecadar, he can sue them by summary process in the talookdar's court. But teecadars will not be allowed to exercise the landlord's powers of distraint. By the rules already laid down by the Chief Commissioner, the teecadar must be a person connected with the village, and never a stranger or mere speculator.

8. Complaints of undue exaction, ouster from holding, and illegal distraint brought by teecadars and other tenants against the tehseeldar, will be heard in the talooqdar's court. Oppression of this nature on the part of his agents should be severely punished by the talooqdar, and the award of damages in addition to refund of the sum illegally exacted, and it is confidently believed that the talooqdar will deal out impartial justice, and show no leniency to his own agents who abuse their power. The rulers of many native states set him an example in this way. The Chief Commissioner will insist on the dismissal of any agent who shall have been frequently convicted of exaction, but he trusts the talooqdar will be most careful in the selection of his agents.

9. But besides complaints of a specific nature like the above, the talooqdar will hear any of a general or miscellaneous character against his agents, and if they are well founded, give immediate redress.

10. Paras. 254 to 282, of directions to collectors, explain the course of procedure in summary suits; and these should be studied by the talooqdar, as a translation of that work is every where procurable, and most landholders possess it already.

11. It will not be necessary for the talooqdar to record the proceedings in his own handwriting, but the orders passed in each case must always be signed and sealed by him.

12. All disputes between his tenants regarding the right to cut water-courses, to the use of wells for irrigation, and to manure, will be heard and decided by the talooqdar.

13. He will also have authority to decide boundary disputes between villages belonging to his own estate, in accordance with the simple rules laid down in paras. 8 to 13 of Directions to settlement officers. But disputes between villages of his own and another person's estate, must of course be heard by the district authorities.

14. An appeal will be open to every person dissatisfied with the orders of a talooqdar, but it will be to the Deputy Commissioner, and to him only.

15. Talooqdars will submit monthly to the Deputy Commissioner, a list of the summary suits of the three classes of cases specified in the form given in No. 1, of Appendix 26 of Directions to Collectors.

(No. 139 of 1860.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner, Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India, with the Governor General, Foreign Department; dated Lucknow, 19 April 1860.

Sir,

Political. I AM directed to state, with a view to its being brought to the notice of his Excellency the Right Honourable the Governor General and Viceroy of India, that though the Rajah of Kupoorthulla holds a lower grade of title, the Chief Commissioner yet proposes to give him precedence of all Oudh chiefs, the two maharajas included; because his position as an independent chief of a large territory in the Punjab, and the honours paid him by the British Government, for he receives a salute of guns, appear to entitle him to it. The Chief Commissioner does not think the recognition of the rajah's really superior rank can give just ground of dissatisfaction to any Oudh talookdar. He could, however, desire that it may receive the sanction of his Excellency, so that it may not hereafter be called into question.

2. To confer further distinction on the rajah, the Chief Commissioner recommends that he should be invested with the full powers of a magistrate. He is,

no doubt, new to the duties; but then he is a person of very superior attainments to any of the other talookdars, and possesses the great advantage of a thorough knowledge of the English language. The Chief Commissioner has, consequently, no fear of the results.

I have, &c.

(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner.

(No. 1501 of 1860.)

From *C. Beadon*, Esq., Secretary to the Government of India, with the Governor General, to *C. J. Wingfield*, Esq., Chief Commissioner of Oudh, dated Simla, 25 April 1860.

Foreign Department.

Sir,

In reply to your officiating Secretary's letter, No. 139, dated the 19th instant, I am directed to inform you, that the Governor General approves of your proposition to give the Rajah of Kapoorthulla precedence of all Oudh chiefs, and to invest him with the full powers of a magistrate.

2. I am desired to take this opportunity of requesting that you will submit the draft of a notification, to be published in the "Gazette," conferring the powers, judicial and revenue, now enjoyed, under his Excellency's orders, by the talookdars of Oudh.

I have, &c.

(signed) *C. Beadon*,
Secretary to the Government of India, with the Governor General.

(No. 169 of 1860.)

From the Officiating Secretary to the Chief Commissioner, Oudh, to the Secretary to the Government of India, Foreign Department, Calcutta; dated Lucknow, 22 May 1860.

Political.

Sir,

I have the honour to acknowledge the receipt of your letter, No. 1501, dated 25th ultimo, desiring to be furnished with the draft of a notification to be published in the "Gazette," conferring the powers, judicial and revenue, enjoyed under the orders of his Excellency the Governor General by the talookdars of Oudh.

2. In reply, I am desired by the officiating Chief Commissioner to submit the draft of a notification for his Excellency's approval; and also to forward two statements showing the names of those talookdars who have been invested by his Excellency with revenue and judicial powers, and those who have been entrusted with revenue powers only.

I have, &c.

(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner, Oudh.

(No. 1767 of 1860.)

NOTIFICATION.

Fort William, Foreign Department,
7 June 1860.

THE Governor General in Council has been pleased to vest the undermentioned native gentlemen, talookdars in the province of Oudh, with the powers hereinafter-mentioned, within the limits of their respective estates :—

Rajah Runbeer Singh, of Kupoorthulla, with the full powers of a magistrate and collector; and Koour Bikrum Singh with the special powers of an assistant magistrate and collector, in the talookas of Ekowna and Boondee, in the district of Baraitch.

Maha Rajah Drigbijye Singh, with the special powers of an assistant magistrate and collector, in the talookas of Bulrampore and Toolseepore, in the district of Baraitch.

Maha Raja Maun Singh, with the special powers of an assistant magistrate and collector in the talooka of Mahdowna, in the districts of Gonda and Fyzabad.

Raja Roostum Sahae, with the special powers of an assistant magistrate and collector, in the talooka of Dera, in the district of Fyzabad.

Bakur Hoossein, with the special powers of an assistant magistrate and collector, in the talookas of Peerpoor and Pyateepoor Akberpoor, in the district of Fyzabad.

Rana Rughoonath Singh, with the special powers of an assistant magistrate and collector, in the talooka of Khujoorgaon, in the district of Roy Bareilly.

Raja Lall Madho Singh, with the special powers of an assistant magistrate and collector, in the talooka of Gurh Amethee, in the district of Sultanpore.

Surrabjeet Singh, with the special powers of an assistant magistrate and collector, in the talooka of Tikaree, in the district of Pertabgurh.

Raja Hunwunt Singh, with the special powers of an assistant magistrate and collector, in the talookas of Kalakunkur and Dharoopore, in the district of Pertabgurh.

Raja Jugpaul Singh, with the special powers of an assistant magistrate and collector, in the talooka of Tiloe, in the district of Sultanpore.

Raja Hurdeo Bux, with the special powers of an assistant magistrate and collector, in the talooka of Kuthearee, in the district of Hurdui.

Raja Shumshere Bahadoor, with the special powers of an assistant magistrate and collector, in the talooka of Sahdutnuggur, in the district of Seetapore.

Moonshee Fuzzul Russool, with the special powers of an assistant magistrate and collector, in the talooka of Jelalpore, in the district of Hurdui.

Chowdree Hushmut Ally, with the special powers of an assistant magistrate and collector, in the talooka of Kuhralee, in the district of Hurdui.

Mahomed Ashraf, with the special powers of an assistant magistrate and collector in the talooka of Asifpoor Bagearee, in the district of Hurdui.

Raja Drigbijye Singh, with the special powers of an assistant collector, in the talooka of Morarmon, in the district of Roy Bareilly.

Dewan Hurmunzul Singh, with the special powers of an assistant collector, in the talookas of Oodeea and Jomelalee, in the district of Pertabgurh.

Thakoor Byroo Bux, with the special powers of an assistant collector, in the alooka of Bhytoolpore, in the district of Pertabgurh.

Raja Madho Pertab Singh, with the special powers of an assistant collector, in the talooka of Konwas, in the districts of Sultanpore and Fyzabad.

Chowdree Surfaraz Ahmed, with the special powers of an assistant collector in the talooka of Khanpoor or Soobegah, in the districts of Sultanpore and Roy Bareilly.

Raja Furzund Ali Khan, with the special powers of an assistant collector in the talooka of Jehangeerabad, in the district of Durriabad.

Rae Pertab Bullee, with the special powers of an assistant collector, in the talooka of Rampoor, in the district of Durriabad.

Hakeem Kurm Ally, with the special powers of an assistant collector, in the talooka of Zaitpoor, in the district of Durriabad.

Kazee Surfuraz Ally, with the special powers of an assistant collector, in the talooka of Sidpoor, in the district of Durriabad.

Raja Kasheepershad, with the special powers of an assistant collector, in the talooka of Sissemdee, in the district of Lucknow.

Thakoor Gooman Sing, with the special powers of an assistant collector, in the talooka of Rampoor, in the district of Seetapoor.

Mirza Aga Jan, with the special powers of an assistant collector, in the talooka of Aurungabad, in the district of Seetapoor.

Mirza Ahmed Beg, with the special powers of an assistant collector, in the talooka of Kaotubnugger, in the district of Seetapoor.

Thakoor Dal Singh, with the special powers of an assistant collector, in the talooka of Khujralah, in the district of Hurdui.

(signed) *C. Beadon,*
Secretary to the Government of India.

NOTIFICATION.

THE Governor General having declared the settlement of their estates made with the talookdars of Oudh to be final and perpetual, so far as their proprietary titles to the said estates, and their right to engage with Government for the same is concerned, is anxious to turn to the purposes of good government the influence which these great landholders and hereditary chiefs legitimately possess.

The Governor General is satisfied, that no scheme of administration which sets this influence aside will be acceptable to the people, or successful. With a view, therefore, to enlist the services of the chiefs in the administration of the country, his Excellency has been pleased to invest the undermentioned talookdars with such magisterial and revenue powers within the limits of their estates, as are specified against their names in the following lists.

LIST of TALOOKDARS invested with Magisterial and Revenue Powers.

No.	Division.	District.	NAME.	ESTATE.	REMARKS.
1	Baraitch	Baraitch	Raja Runbheer Singh of Kapoorthulla	Ekowna and Boondee	With the full powers of a Magistrate and Collector.
2	Ditto	ditto	Maha Raja Drigbijye Singh	Bolrampore and Toolsepoor	With the special powers of an Assistant Magistrate and Collector.
3	Ditto	ditto	The brother of the Raja of Kapoorthulla, provided he resides on the raja's estate.	Ekowna	ditto.
4	Ditto	Gonda and Fyzabad	Maha Raja Maun Singh	Muhdowna	ditto.
5	Ditto	Fyzabad	Raja Roostum Sahee	Dera	ditto.
6	Ditto	ditto	Bakur Hoossein	Peerpoor and Pynteepoor Akberpoor.	ditto.
7	Baiswarra	Roy Bareilly	Rana Rughoo Nath Singh	Khujoorgaon	ditto.
8	Ditto	Sooltanpore	Raja Sall Madho Singh Bahadoor	Gurh Amethee	ditto.
9	Ditto	Pertabgurh	Surrubjeet Singh	Tikaree	ditto.
10	Ditto	ditto	Raja Hunwunt Singh	Kala Kunkur and Dharoapoor	ditto.
11	Ditto	Sultanpore	Raja Jugpaul Singh	Teloe	dittto.
12	Khyrabad	Hurdui	Raja Hurdeo Bux	Kuthearee	ditto.
13	Ditto	Seetapoor	Raja Shumshere Bahadoor	Sahdutnuggur	ditto.
14	Ditto	Hurdui	Moonshee Fuzzulrasool	Jalalpoor	ditto.
15	Ditto	ditto	Chowdry Hushmut Ally	Kukralee	ditto.
16	Ditto	ditto	Mahomed Ashruf	Asifpoor Bagearee	ditto.

List of Talookdars invested with Revenue Powers only.

No.	Division.	District.	NAME.	ESTATE.	REMARKS.
1	Baiswara	Roy Bareilly	Raja Drigbejye Singh	Morarmon	With the special powers o Assistant Collector.
2	Ditto	Pertabgurh	Dewan Hurmunzal Singh	Oodeea and Jomelalee	ditto.
3	Ditto	ditto	Thakoor Byroo Bux	Bhytoolpoor	ditto.
4	Ditto	Sultanpore	Raja Madho Pertab Sing	Konwas	With the special powers o Assistant Collector (his tate lies also at Fyzabad trict, in Baraitch divisic
5	Ditto	ditto	Chowdry Surfuraz Ahmed	Khanpoor or Soobeya (Balal poor, in Roy Bareilly).	With the special powers o Assistant Collector.
6	Lucknow	Durriabad	Raja Furzund Ally Khan	Jehanjeerabad	ditto.
7	Ditto	ditto	Roy Pertab Bullee	Rampoor	ditto.
8	Ditto	ditto	Hakeem Kurm Ally	Zaitpoor	ditto.
9	Ditto	ditto	Kazee Surfuraz Ally	Sidpoor	ditto.
10	Ditto	Lucknow	Raja Kashee Pershad	Sisseindee.	ditto.
11	Khyrabad	Seetapoor	Thakoor Gooman Sing	Rampoor	ditto.
12	Ditto	ditto	Mirza Aga Jan	Aurungabad	ditto.
13	Ditto	ditto	Mirza Ahmed Beg	Kootubunggur	ditto.
14	Ditto	Hurdui	Thakoor Dal Singh	Khujralah	ditto.

(No. 148.)

The Government of India to the Right Honourable *Sir Charles Wood*, Bart., G.C.B.

Fort William, Foreign Department,
22 October 1860.

Sir,

In continnation of the Governor General's letter, No. 28, dated 16 March last, we have the honour to transmit for your information the accompanying copy of a further correspondence with the Chief Commissioner of Oudh, on the subject of primogeniture in that province.*

We have, &c.
(signed) *Canning.*
H. B. E. Frere.
Cecil Beadon.

(No. 1865 of 1860.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner, Oudh, to *Cecil Beadon*, Esq., Secretary to Government of India, Foregn Department, Calcutta; dated Lucknow, 15 May 1860.

Sir,

I have the honour to acknowledge the receipt of your letter (No. 881), dated 10th March last, regarding the rule of succession in talooqdaree estates, and in reply, Revenue.

* From Officiating Secretary to Chief Commissioner, dated 15 May 1860.
To do. from do. do. 17 July 1860.
From do. to do. do. 8 Aug. 1860.
To do. from do. do. 18 Sept. 1860.

reply, am directed by the Chief Commissioner to state, with reference to the decision come to in para. 9, that when a talooqdar dies intestate, his estate shall devolve on the nearest male heir, according to the rule of primogeniture applicable to estates having a guddee; that, as wills are unknown to Hindoo law, and have hitherto been unknown in practice to Oudh talooqdars, this rule would come generally into operation if the talooqdars could be kept in their present state of ignorance as to their power to make wills. But in common fairness, we cannot keep them in the dark on this point, and when they come to know that the Government consider them "free to dispose of their estates as they please, by sale, gift, or bequest," many will be tempted to make dispositions of their property opposed to Hindoo law, public feeling, and all sense of justice or morality, and in their consequences ruinous to a native aristocracy.

2. Talooqdars, in their dotage, yielding to the influence of young wives, concubines, and corrupt dependants, would often disinherit their legal heirs in favour of younger sons, and even of illegitimate offspring. A case in point occurred only the other day in the family of the Rajah of Hussunpoor, the head of the Buchgotee clan, and of one of the highest Hindoo families in Oudh. He had acknowledged as his son the offspring of a courtesan, who had given birth to the boy before she had become acquainted with the rajah. All the Rajpoot talooqdars of the east of Oudh were incensed at the proceeding, and claimed the Chief Commissioner's interference. The Chief Commissioner told the rajah that the Government would never recognise this pseudo-son as heir to the estate, but would vindicate the rights of his brother to the succession. He persisted in declaring the boy his heir, but never ventured to make any gift or bequest in his favour, believing himself without the power to do so. Had he, however, been informed of the substance of para. 9 of your letter, he would undoubtedly have transferred his estates to this boy, and every talooqdar in Oudh would have felt aggrieved, and that a dishonour had been done to his race, which he would have blamed the Government for having permitted.

3. It is quite certain that such full and unrestricted right to dispose of ancestral landed estate, as is conceded in para. 9 of your letter, has never been recognised by our courts of law. Regulation XI. of 1793, sec. 6, which first gave landholders in Bengal power to dispose of their estates by will or gift, attaches the following condition, which, in fact, reduces the power to nothing: "Provided the bequest or transfer be not contrary to Hindoo or Mahomedan law." It is, therefore, laying down a totally new doctrine to assert that a talooqdar is free to dispose of his landed estate in any way he pleases; and though it is part of the Chief Commissioner's argument, as will afterwards appear, to admit that the Government is at liberty to make this or any other rule in Oudh, this novelty has nothing to recommend it, being opposed to the feelings of the people and to the policy of the Government.

4. The Chief Commissioner begs also to be permitted to observe, that he doubts if the measure proposed by him has been correctly understood, when, in the 8th para. of your letter, it is remarked that it "would have the evil effect of a law of entail, by leading to the retention of large estates by impoverished proprietors." It would not, the Chief Commissioner submits, tie up the estate at all, or secure it from the claims of creditors. If it has not that effect in estates to which the rule of the guddee, or primogeniture, applies, it cannot produce it by merely extending the guddee rule to others. The power a landholder has to alienate his estate in his lifetime is not clearly defined; different rulings have, the Chief Commissioner believes, been given on this point in the Courts of Bengal and the North Western Provinces. There is a leading decision of the latter to the effect that a landholder cannot give away his estate in his lifetime without the consent of his heirs; while, on the other hand, the fullest right to sell has, the Chief Commissioner believes, been allowed; and it is quite certain that any landed estate can be brought to sale at the instance of decree-holders for the debts of the proprietor, and even of his predecessor. Whatever may be the law on these points, it is as applicable to an estate in which there is a guddee as to one in which there is not. The measure the Chief Commissioner proposes does not touch this question, which is left for disposal as cases arise. His aim is merely to regulate the succession by substituting the rule of the guddee, or transmission of the estate entire, for the ordinary Hindoo law of subdivision

subdivision, to ensure the property remaining in the hands of one instead of many possessors. The Chief Commissioner trusts he has shown that his proposal is not open to the objection urged against it.

5. The Chief Commissioner need not enlarge on the advantage of extending the operation of the law of primogeniture, as it is fully admitted by His Excellency; he will merely observe, that it is essential for the permanent success of the experiment now being made in Oudh, of recognising the legitimate influence of the landed aristocracy, and of enlisting it in the service of the State. If the ordinary Hindoo law of subdivision is tolerated, we shall in 50 years be without a landed aristocracy at all. The Chief Commissioner has already observed that the adoption of the guddee rules is entirely consonant to the wishes of the present talooqdars, who dread the ultimate results of subdivision. Nearly all have responded in the sense desired to the expression of the wishes invited from them, as explained in my former letter.

6. The Chief Commissioner therefore urges that the guddee, or law of primogeniture, be declared by the Governor General to be the rule of succession to all considerable landed estates in Oudh; and he is of opinion that the bare declaration of the will of the Government is amply sufficient to make the rule binding. It is, he believes, an admitted principle of Mahomedan law, based on the authority of the Delhi emperor, Shere Shah, that the ruler of the country has a right to determine the law of inheritance to landed property, because it becomes a question of policy affecting the due administration of the government of the country; and it is in analogy with this principle that the Government reserves to itself a voice in the succession to jagheers in the Punjab.

7. A similar opinion has been given by the Sudder Court of Agra, whom the Chief Commissioner consulted on the subject. Two of the Judges (and it is not stated that the third dissents from the view) hold that, "as the talooqdars of Oudh now derive their title directly from the grant of the Government of India, and all claims based on prior right are barred, the talooqdar grantee may be held in each case to be the founder of his talooqua; and if the Chief Commissioner causes an authentic record to be prepared, declaring what rule shall in each case govern the property in every future contingency, the Court have no doubt that such record would be admitted hereafter by our Courts as the rule of practice, Hindoo law or other usage notwithstanding."

8. The Chief Commissioner therefore urges that the rule of succession be authoritatively fixed by Government; and he is of opinion that the consent of existing heirs, direct or collateral, is not in the least necessary. The enormous importance the Chief Commissioner attaches to the establishment of a rule that will preserve us a landed aristocracy in Oudh will, he hopes, plead as his excuse for again bringing the subject before his Excellency, after it may be considered to have been disposed of in your letter, No. 881, dated 10th March.

I have, &c.,
(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner, Oudh.

(No. 2729 of 1860.)

From *C. Beadon*, Esq., Secretary to the Government of India, to the Officiating Chief Commissioner of Oudh, dated Fort William, 17 July 1860.

Sir,

I am directed by the Governor General in Council to acknowledge the receipt of your Officiating Secretary's letter, No. 1865, dated the 15th May, on the subject of primogeniture in Oudh. Foreign Department.

In Mr. Moss King's letter, No. 531, dated the 13th February last, the Chief Commissioner proposed, with a view to prevent the subdivision of estates, that the rule of primogeniture, which has always prevailed in certain talooqdar families, should be extended to all other talookdar families, in supersession of the law of partition, to which, in the absence of any such rule, these estates would be liable under the ordinary operation of the Hindu or Mahomedan law.

2. To those talookdars to whom their sunnuds have not yet been given, and who declare it to be their desire that the rule of primogeniture should apply to their estates, the Chief Commissioner proposed to issue revised sunnuds, granting their estates subject to that rule; and from those talooqdars who have received their sunnuds he proposed to take a similar declaration, and then to grant them revised sunnuds to the same purport.

3. The Governor General agreed with the Chief Commissioner in thinking it desirable that all talookas should devolve on the nearest male heir, according to the rule of primogeniture at present applicable to estates having a guddee, and authorised him to make it a condition with those talookdars to whom sunnuds had not been granted, that if they died intestate, the succession should follow that rule; but his Excellency in Council doubted whether, as regards those talookdars to whom sunuds had actually been given, a new condition could be adopted without the consent of all concerned, that is to say, of all living heirs.

4. Further, as it appeared from Mr. Moss King's letter, that it was not in the contemplation of the Chief Commissioner to admit the right of the talooqdars, whether those who follow the guddee rule of inheritance or those who do not, to bequeath their property otherwise than according to this rule, the Governor General found it necessary to explain that to all the talookdars of every description with whom a settlement had been made since the re-occupation of Oudh, a permanent hereditary and transferable proprietary right had been guaranteed, and that each talookdar should be left free to dispose of his estates in whole or in part as he pleases, by sale, gift or bequest.

5. The object of the Chief Commissioner, in Mr. Currie's letter now under acknowledgment, is to show, first, that the rule of primogeniture may be applied to those talookdars who have received their sunnuds without requiring the consent of living heirs; and, second, that it is inexpedient to give talookdars the power of bequeathing their estates by will.

6. On the first point, I am directed to state that the Governor General in Council, on full consideration, agrees with the Chief Commissioner. His Excellency in Council is of opinion that a talookdar, to whom the Government has given a permanent hereditary and transferable proprietary right in his estate, with full power to sell, mortgage, give, or bequeath it as he pleases, may surrender the estate to the Government, to be restored to him on any further condition that may be agreed on, and that the consent of heirs is not more necessary in the one case than in the other.

7. But the Governor General in Council will not consent to limit the absolute power over his estate, which has been guaranteed to every talookdar in Oudh, and is convinced that the existence of such a power is just as essential to the prosperity of the Province and to the maintenance of a landed aristocracy on a sound footing as the extension of the rule of primogeniture in cases of intestacy. As, on the one hand, it will be in the power of every talookdar to refrain from making a will, and so to allow his estate to devolve undivided on his nearest heir, or, if childless, to adopt a son who will inherit the whole of his estate, or to bequeath it by will to any one person whom he may wish to designate as his successor, so, on the other hand, it is right that he should be at liberty to bequeath his estate to more than one person, in accordance with Hindu or Mahomedan law, or otherwise as may suit his pleasure. Though the present holder of a talook may be in favour of the rule of primogeniture, his successor may be of a different opinion; and His Excellency in Council would not deprive talookdars in all future generations of the power of bequeathing their estates in accordance with their own views. To deny them this power would be

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in effect to establish a strict entail, so far as bequests are concerned, and would operate at least as injuriously in one direction as the existing rule of partition does in another. If opinion among the talookdars is in favour of primogeniture and the maintenance of their estates undivided in the hands of one member of the family, partition will be rare. Partition by bequest will be especially rare, for wills are said to be at present unknown in Oudh, and natives in general are supposed to be averse to them; and to partition by sale, mortage, or gift, the Chief Commissioner himself is not averse.

8. I am therefore directed to request that the Officiating Chief Commissioner will call upon every talookdar in Oudh in whose family the rule of primogeniture has not heretofore prevailed, but to whom the Chief Commissioner desires to extend it, to declare in formal terms whether he is desirous that this rule should be applicable to his estate or not. To all who desire it the Chief Commissioner is authorised to issue new sunnuds, declaring, in addition to the conditions already sanctioned by the Governor General, that the estate, in case of intestacy, shall descend to the nearest male heir, and adding, by way of proviso, that the talookdar has full power to alienate his estate, either in whole or in part, by sale, mortgage, gift, bequest or adoption to whomsoever he pleases.

9. In respect to the talookdars in whose families the rule of primogeniture now prevails, the Governor General in Council is of opinion that there is no necessity for calling upon them to make any such formal declaration, because their estates will pass in case of intestacy as heretofore; and the terms of their present sunnuds are insufficiently wide to confer on them the absolute power over their estates that the Governor General in Council desires they should have; but any talookdar of this class may be permitted to give up his sunnud, and to receive in lieu thereof another in which the rule of primogeniture shall be expressly recognized as applicable to his estate and family, and in which it shall be declared that the title conferred on him by the Governor General includes a full right to dispose of his estate as he pleases during his lifetime, and by bequest or adoption at his death.

I have, &c.
(signed) *C. Beadon,*
Secretary to the Government of India.

(No. 2,877 of 1860.)

From *C. Currie,* Esq., Officiating Secretary to the Chief Commissioner of Oudh, to *C. Beadon,* Esq., Secretary to the Government of India, Foreign Department, Calcutta; dated Lucknow, 8 August 1860.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 2729, dated 17th ultimo, and to state that it is with much hesitation that the Chief Commissioner ventures to bring the subject of primogeniture again before his Excellency the Governor General in Council; but being apprehensive that his meaning has not been quite understood, and entertaining such a strong conviction as he does that the measure enjoined will have most disastrous results, he deems it his duty, at the risk of incurring the charge of obstinacy and disrespect, which, however, is furthest from his intention, to request his Excellency's consideration of the following observations. Revenue.

2. The Chief Commissioner begs to point out, that he did not propose absolutely to deny talooqdars the power of bequeathing their estates by will, or of alienating them in other ways; his proposition, as he observed in para. 4 of letter No. 1865, dated 15th May, did not touch this question, which would be left open for decision as cases might arise. The Chief Commissioner meant

to leave them the power, so far as the laws of the Hindoo and Mahomedan religion and of our Civil Courts allow its exercise; what he objected to was, to giving talooqdars a power to dispose of their estates, in direct violation of Hindoo and Mahomedan law, and the ruling principles of our Courts.

3. The words directed to be inserted in the sunnuds, "or to whomsoever he pleases," give such power, for they free the talooqdars from all restrictions. In para. 4 of my letter of the 15th May, it was stated that it had been laid down by a leading decision of the Suddur Adawlut, North Western Provinces, that ancestral landed estates cannot be alienated without the consent of the heirs, and the principle has been repeatedly affirmed in the highest courts of the North Western Provinces and of Bengal, and by the decision of the Privy Council,* that in families, where a guddee or the law of primogeniture prevails, there can be no partition of the estate.

4. There can surely be no reason for giving the Oudh talooqdars a power over their estates, which is not possessed by landholders in any other part of India; which they have never yet enjoyed, and do not ask for now, and which is opposed to the tenets of their religion, and the most authoritative decisions of our tribunals. If it is desirable, as seems fully admitted, to maintain the great landed families that now flourish in Oudh, why devise new rules calculated to hasten their decay?

5. If stress is laid on the use of the term "transferable" in the sunnud, as much weight must be given to the other, "hereditary." If we have guaranteed an hereditary tenure of their estates, why afford a talooqdar facilities for disinheriting his descendants?

6. Moreover, if the orders of Government, as conveyed in your letter under acknowledgment, are carried out to the letter, a glaring anomaly will be presented in Oudh itself. Should the estate of a talooqdar, who had bequeathed it to the prejudice of his legitimate heirs, consist of personal as well as real property, it would follow two different rules of succession. The Chief Commissioner would be obliged to uphold the bequest, as regards the latter species of property, while the Judicial Commissioner, guided by the ruling principles of our Courts and of the Hindoo and Mahomedan laws, would infallibly reverse it in respect to the former.

7. The Chief Commissioner, therefore, earnestly asks permission to modify the Government order, so far as to leave out of the sunnuds the words "to whomsoever he pleases," and thereby prevent any flagrant abuse of the power of alienation. Indeed, these words coming immediately after the permission to adopt, amounts to a contradiction in terms. A Hindoo cannot adopt whomsoever he pleases; he must adopt one of his own class. The rules regulating the rights of adoption are clear and most stringent: there is no doubt on the point. Again, we have women talooqdars (widows), and a woman cannot adopt at all, unless her deceased husband gave her permission.

8. In conclusion, the Chief Commissioner would observe, that he is not contending against imaginary dangers. He has had opportunities of forming a judgment on the effects of the proposed measure; he has also instanced a remarkable case in point, and he could advert to others likely to occur. If the Chief Commissioner had not influence enough to prevent him, he is inclined to think the Maharajah of Bulrampore would leave his vast estate to his illegitimate son by a Mahomedan woman, though he has nephews and other blood relations.

9. The desire so common to men of preserving the name and family estate to future generations is not proof against the various influences and temptations to which their possessors for the time being are sure to be exposed. The Chief Commissioner can, therefore, place no reliance on the strength of this feeling to prevent the breaking up of our great talooquas.

10. Since the above was written, the Chief Commissioner has seen the correspondence

* Case of Baboo Gunesh Dutt Sing *v.* Maharaja Mahesur Sing, 20 June 1855.

respondence between the Supreme and Punjab Governments on this very subject. He does not perceive any reservation of the full powers of the Seikh Jageerdars to alienate their estates to whomsoever they please insisted on in the Under Secretary's letter, dated 12th May 1860; and the circular instructions issued by the Lieutenant Governor to the Commissioners of Divisions, dated 25th May, provide that, if the existing owners express a wish to adopt the law of primogeniture, a formal deed to that effect shall be drawn out, and it shall henceforth determine the rule of succession to their estates. This was the Chief Commissioner's original proposition. Of the consent of all present possessors, or nearly all, he said he was secure. His Excellency is now of opinion that the consent of heirs is not necessary.

I have, &c.
(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner, Oudh.

(No. 4226 of 1860.)

From *A. R. Young*, Esq., Deputy Secretary to the Government of India, to *C. J. Wingfield*, Esq., C.B., Chief Commissioner of Oudh, dated Fort William, 18 September 1860.

Sir,

I AM directed by the Governor General in Council to reply to your officiating secretary's letter, No. 2877, dated 8th ultimo, bringing once more before Government the question of primogeniture in Oudh, and submitting your further views and observations thereon. Foreign Department.

2. In the letters marginally noted,* you were informed that the Governor General in Council considers it desirable that talooka estates in Oudh should devolve on the nearest male heir, by the law of primogeniture, which prevails in all families where there is a guddee; and that, where sunnuds have not already been granted, the condition may be inserted in them, that if the talookdars die intestate, the succession shall follow the rule of primogeniture.

* No. 881, dated 10 March. No. 2729, dated 17 July.

3. You have been told that to all talookdars, with whom a settlement has been made since the re-occupation of the province, a permanent hereditary and transferable right has been guaranteed, and that such talookdars can dispose of their estates as they like by sale, mortgage, gift, or bequest; that the Governor General in Council will not limit this power, because he considers it to be quite as necessary for the prosperity of the province and the maintenance of a landed aristocracy on a sound footing, as the extension of the rule of primogeniture in case of intestacy; and that if talookdars desire the law of primogeniture to be distinctly recognised in their families, the condition can be inserted in the sunnuds which have not yet been given, and also in those which have been already granted on their being returned for the purpose.

4. You have accordingly been directed:—

1st. To call upon all talookdars in whose families primogeniture does not prevail, to declare in formal terms whether they wish the law of primogeniture to be made applicable to them or not.

2d. To grant to all who wish it new sunnuds declaring, in addition to the conditions already sanctioned by the Governor General, that the estate in case of intestacy will descend to the nearest male heir, and adding by way of proviso, that the talookdar has full power to alienate his estate in whole or in part to whomsoever he pleases, by sale, mortgage, gift, bequest, or adoption.

3d. To grant new sunnuds to those talookdars in whose families primogeniture already prevails, but may yet desire to have the rule expressly recognised, and in these new sunnuds to declare that the talookdar has full right to dispose of his estate as he pleases during his life, and by bequest or adoption at his death.

5. To the exercise by the talookdar of the unlimited power of bequest you are opposed; you believe that it will be attended with disastrous consequences, and lead to the breaking up of the large estates and their division among impoverished holders, and you therefore propose to omit from the sunnuds the words, "to whomsoever he pleases." You argue:—

1st. That the power given to a talookdar to bequeath his estate "to whomsoever he pleases" goes far beyond the power of alienation enjoyed under the Hindoo and Mahomedan law, and recognised by the civil courts; that ancestral estates cannot under Hindoo law be alienated without the consent of the heirs; and that there is no reason to give talookdars powers over their estates which are not possessed in other parts of India.

2d. That if stress is laid upon the word "transferable," in the Governor General's promise, equal stress should be laid on the word "hereditary," and that if an hereditary interest has been guaranteed, facilities ought not to be granted to the talookdars to disinherit their heirs.

3d. That under the orders of Government two different rules will be followed in regard to bequests, when the talookdar's estate consists of real and personal property; that the Chief Commissioner will be required to confirm the will bequeathing the talooka, while the Judicial Commissioner will reverse it as regards the personal property.

4th. That the use of the words "to whomsoever he pleases," immediately after the word "adoption," amounts to a contradiction in terms, because a Hindoo cannot adopt whomsoever he pleases, but must adopt from his own class; and a Hindoo widow cannot adopt at all, unless she has received permission from her husband before his death.

5th. That no such powers of alienation have been conceded to the jageerdars in the Punjab; that if the jageerdars express a wish to adopt the law of primogeniture, a formal deed to that effect is drawn out, by which the rule of succession to their estates is thereafter determined; and that this was all you originally asked for as regards the talookdars in Oudh.

6. These arguments, I am directed to observe, have failed to convince the Governor General in Council, that it is either necessary or expedient to depart from the principles already laid down, or to limit the powers of talookdars over their estates, even to the extent you now propose. The estates of these talookdars are not ancestral in the sense in which that word seems to be used by you. The majority of them are, no doubt, held by decendants or representatives of former possessors; but it is not this that constitutes the right and title by which the present possessors hold them. That right, and that title, consist in the estates having been bestowed upon the present possessors as a free gift from the State, and the estates are enjoyed under the conditions expressed in the sunuds by which they were conferred. The Governor General in Council considers it inexpedient to include among the conditions of gift, the restrictions to which ancestral estates are subject, and by which the value of the gift would be materially diminished. The Governor General in Council, doubts whether Hindoos and Mahomedans in Oudh have not the power to dispose of their personal property by will: but even supposing that they do not possess this power, it is of no great consequence that their landed estates should follow one rule of inheritance and their personalty another.

7. Nor does his Excellency in Council perceive how this unrestricted power of transfer is in any way inconsistent with the guarantee of a hereditary interest in the estate. Did it not seem from the 5th para. of your officiating secretary's letter

letter that you have misunderstood the nature of the Governor General's promise, his Excellency in Council would scarcely have considered it necessary to point out that in guaranteeing to the talookdars a hereditary interest in their estates, the word "hereditary," was not used to express the right of the heir to succeed as opposed to the power of the holder of the estate to disinherit, but to express the right of the heir to succeed as opposed to the intention of the Government to resume. Had an hereditary interest been guaranteed in the sense in which you seem to have understood the Governor General's promise, it would have been inconsistent with a transferable right of any kind, and would have been equivalent to a strict entail. Indeed the word "hereditary" appears to be used in your secretary's letter in the sense exactly of the word "entailed."

8. The case of the Punjab sirdars, I am to observe in conclusion, is not at all parallel to that of the Oudh talookdars. In the Punjab, the question of the extension, or the curtailment of the powers of sirdars over their estates was never raised. The estates of the Sikh sirdars were inherited. The inheritance of them was never disturbed or vitiated by any acts of the inheritors. The Government, therefore, could not authoritatively alter the powers of the present incumbents, without interfering with the rights and claims of others; the Government conferred no gift, and therefore could impose no conditions. Accordingly, when the Governor General took the decision to which you have referred, he directed that no alteration in the rule of inheritance should be made in any of the families of the Punjab sirdars, unless with the consent of its head, and of the chief members interested.

9. I am therefore desired to request, that the instructions conveyed in the secretary's letter of the 17th July last may be acted upon.

I have, &c.
(signed) *A. R. Young*,
Deputy Secretary to the Government of India.

The Government of India to the Secretary of State for India, dated 8 May, No. 44 of 1861.

Sir,

28 March.

We have the honour to transmit a copy of a letter from the Officiating Secretary to the Chief Commissioner of Oudh, forwarding returns of the magisterial and revenue business disposed of by the Talookdar magistrates and collectors during the year 1860.

2. It will be observed that appeals from their courts have been fewer, on the average, than from the courts of the subordinate Native judicial officers of Government. This, however, does not prove that their work is better done than that of our trained native officers. It is natural that litigants, living under the jurisdiction of these Talookdars, should be cautious of appealing unless confident of their case.

3. But while we mention this to show that appeals may be expected to be few, we are of opinion that the results exhibited in these returns are most satisfactory and encouraging, and that they show that the decisions of the Talookdar magistrates and collectors are, as a rule, well considered and just.

We have, &c.
(signed) *Canning.*
H. Rose.
H. B. Frere.
R. Napier.

(No. 1065 of 1861.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to the Secretary to the Government of India, Foreign Department, Calcutta, dated Lucknow, 28 March 1861.

Sir,

Revenue. I AM directed to forward to you for submission to his Excellency the Governor General in Council, the two enclosed Returns showing the mode in which criminal and revenue business has been disposed of by the talooqdar magistrates and collectors during the year 1860.

2. The former return speaks for itself, and makes it quite unnecessary for the Chief Commissioner to repeat that the experiment of associating the great landholders with the servants of Government in the administration of justice has been attended with the most complete success.

3. Considering the late period at which many of these gentlemen received the powers, the amount of work performed by them is large. The duty has fallen most heavily on Maharajah Maun Sing, whose estates are the most thickly peopled with the most turbulent and litigious races in Oudh. Regard also being had to the novelty of the duty, the Chief Commissioner is of opinion that it could hardly have been efficiently discharged by a person of less ability. The promptitude with which the business has been disposed of (only eight cases pending at the close of the year) is also highly creditable to the talooqdars.

4. The paucity of appeals from the orders of the talooqdar magistrates, and the rarity of the instances in which their orders have been reversed or modified by the superior courts, may surely be accepted as conclusive proof that their decisions are just, and give satisfaction. The Chief Commissioner has previously brought to the notice of his Excellency that the tendency of the talooqdar magistrates is to leniency in punishment. The most experienced judges are often accused of inconsistency and irregularity in their sentences. It is, therefore, not surprising that honorary native magistrates should fail always to apportion the proper degree of punishment in each case. But of two extremes this is the least objectionable, and the tendency is one that practice will soon overcome.

5. The Chief Commissioner will, before he quits the province, submit a proposition for a large increase to the number of the talooqdar magistrates.

6. The Chief Commissioner is equally well satisfied with an examination of the return of revenue business. He is well aware that the exercise of impartiality is not quite so easy in revenue as in criminal cases, and he knows that this was the weak point of the system of entrusting powers to talooqdars in the eyes of the opponents of it.

7. But the Chief Commissioner entertained the most decided opinion that to give the settlement with talooqdars a chance of success, they must be placed beyond the reach of interference and affront from the tehseeldars, and other subordinate officials, the liability to which was to native gentlemen of rank and great landed possessions the most odious feature of our administration. The Chief Commissioner, therefore, sought to regulate and legitimatise the authority the talooqdars had always exercised over their tenants, and which it would have been impolitic, if not impossible, wholly to have deprived them of; and he thought that by trusting them he obtained the best security for their exercising their power with moderation and justice. With this view he recommended that the revenue powers of collectors should be conferred on them while their agents wielded the authority of landholders.

8. This return has been purposely made very searching, but a close examination satisfies the Chief Commissioner that these powers have been exercised with impartiality and disinterestedness. The proportion of cases in which decrees have

have been given in favour of the tenants against the talooqdars' agents, viz., 238 to 440, is proof of this assertion, and it is still more convincingly established by the fact, that in only 36 cases out of 1,169, the decisions of the talooqdars stood in need of modification by the superior courts. The business has not, perhaps, been dispatched with the same promptitude as in the criminal department, but revenue suits regarding rent occupy more time than ordinary criminal cases.

9. It is an immense benefit to the peasantry that their petty disputes with each other should be referred to the decision of their hereditary chief, and not be brought into our courts, to the ruin, perhaps, of both disputants.

10. Boundary disputes between villages belonging to their own estates are also cognisable by talooqdars, but as very few cases have occurred, they have been omitted from the statement. The talooqdars have, however, rendered great assistance to the officer engaged in demarcating boundaries preparatory to a revised settlement in the adjustment of these disputes, which by the rules have been mainly left to them, and that officer has particularly mentioned to the Chief Commissioner the valuable aid afforded by Maharajah Maun Sing, whose influence has composed numberless angry feuds about village boundaries.

11. As in the criminal, so in the revenue department, the burden of the work has been borne by Maharajah Maun Sing. But, besides the general explanation given above in the litigious character of the population of his estates, there is this special reason for the number of suits in Column 2, that the affairs of his estates had been much neglected in 1858–59, and his rents had fallen heavily in arrears, therefore his agents were obliged to press for their recovery in the beginning of 1860, before the limitation of one year prescribed for the hearing of such suits should expire.

12. It is a pleasing reflection to the Chief Commissioner that he does not make over the charge of his office before the system of admitting the landed aristocracy to share in official authority has taken firm root.

I have, &c.

(signed) *Charles Currie,*

Officiating Secretary to the Chief Commissioner of Oudh.

RETURN of Criminal Business disposed of by Talooqdar Magistrates in the Province of *Oude* during 1860.

1. NAME of TALOOQDAR MAGISTRATE.	2. Date on which he Assumed the Functions of a Magistrate.	3. Number of Criminal Cases instituted in his Court from 1 January to 31 December 1860.	4. Number of Cases in Col. 3 Decided by Talooqdar Magistrate, as being within his Power to Dispose of.	5. Number of Cases in Col. 3 referred to Deputy Commissioner for Final Order, as being beyond the Power of a Talooqdar Magistrate to Dispose of.	6. Number of Cases in Col. 3 Pending at the close of the Year.	7. Number of Cases in Col. 4, in which the Orders of the Talooqdar Magistrate have been Reversed or Modified, either on Appeal, or by the Deputy Commissioner, of his own Motion, on Examination of the Proceedings.	8. Number of Cases in Col. 4 in which regular Appeals were preferred from Talooqdar's Orders.	9. REMARKS by DEPUTY COMMISSIONER.	10. REMARKS by COMMISSIONER.	11. REMARKS by CHIEF COMMISSIONER.
Maharaja Maun Sing, Bahadoor Modouna.	1 February 1860	219	185	34	-	9	3	- Almost invariably, in criminal cases, the punishment has been enhanced, but the proceedings have always shown that the cases have been thoroughly sifted by the Talooqdar magistrate.	- The tendency is certainly in the direction observed by the Deputy Commissioner, and I consider the manner in which this duty has been discharged to be very creditable to the Talooqdars.	- A few of the cases disposed of by Maharaja Maun Sing occurred in the district of Durriabad. The Deputy Commissioner of that district says he inspected the proceedings in all these cases, and altered the sentence in one, only merely reducing the term of imprisonment.
Raja Roostum Sah, Bahadoor, Dehra.	24 January 1860	23	16	5	2	—	—	—	—	—
Synd Bakar Hossein, Bahadoor, Purpoor.	16 May 1860	31	22	9	-	-	1	—	—	—
Dirg Bijjee Sing, Bahadoor, M. R. of Bulrampore.	- 17 February 1860, date whereon the function was granted; 1 May 1860, date when he commenced work.	46	25	21	-	1	-	- In only one instance has modification of sentence taken place, and that was to enhance the award. In other instances the Maharajah has been instructed to proceed, not to revise award.	-	- Deputy Commissioner, I conclude, means, that in other cases he has interfered not to alter the sentence, but to correct errors of procedure.
Sirdar Bikrum Sing, Bahadoor.	16 July 1860	31	18	13	-	1	1	-	-	- Brother of the Raja of Kuppoorthulla.
Raja Kashee Pershad, Bahadoor of Sesendee.	31 May 1860	21	19	2	-	3	-	- Raja Kashee Pershad is the only talooqdar who exercises criminal jurisdiction over a large estate. The raja has tried 21 cases since he got criminal powers in the middle of the year, creditably; his inclination is to be lenient, and this I have checked; and I have also from time to time corrected his procedure, which was not quite in accordance with the rule. I am, on the whole, satisfied with the manner in which, notwithstanding that he has been a great sufferer from ill health, he has conducted his duties.	—	—
Chowdry Hushmut Ally, Bahadoor.	2 May 1860	25	12	13	—	—	—	—	—	—

Raja Hurdeo Bux Sing Bahadoor.	December 1859	45	32	13	-	1	1	-- There has been little interference either way, to increase sentence or to mitigate t.	-	- The Rajah has been very ill for many months past, and has in consequence been relieved of his magisterial duties.
Moonshee Fuzl Russool Bahadoor.	2 May 1860	10	6	4	-	1	—	—	—	—
Chowdry Mohamed Ushnuff Bahadoor.	2 May 1860	15	9	6	2	1	1	—	—	—
Shumshere Bahadoor, Bahadoor.	28 May 1860	40	36	4	-	*2	1	* Sentence of six months' imprisonment proposed by the Talooqdar Magistrate in a case was changed, by the Deputy Commissioner, to 25 lashes, in one instance. In the other, the Talooqdar Magistrate, in a case of abduction, ordered the female defendant to be given to the male defendant; but the Deputy Commissioner reversed it, and restored the woman to the plaintiff.	—	—
Lall Shunkur Bux Bahadoor, Talooqdar of Kajoorgam.	28 January 1860	34	22	11	1	-	1	-- Thirty-four cases instituted during the year; one case sent to the Sudder Court for information, to the Deputy Commissioner, and returned back with explanation. Two cases sent to the Sudder Court, but the Deputy Commissioner not approving of the decisions, dismissed them. One case appealed, but not decided.	—	—
Raja Madho Sing Bahadoor, of Amathie.	6 August 1860	40	29	9	2	9	1	-	-	-- The Deputy Commissioner speaks in high terms of the ability displayed by this gentleman in his judicial duties, and has brought prominently to notice a case in which the Rajah, of his own motive, took proceedings against one of his own dependents as a receiver of stolen goods, and caused his conviction and punishment by the Deputy Commissioner. Thus showing how fearlessly and impartially he could discharge his duties as magistrate.
Raja Jugpal Sing Bahadoor, of Tiloee.	24 April 1860	15	12	2	1	3	—	—	—	—
Baboo Surrubjeet Sing Bahadoor, of Tikaree.	24 April 1860	11	6	5	-	3	-	-	-	-- Chief Commissioner reported officially to Government the able manner in which this gentleman conducted the investigation into a case of dacoity with murder, and which, in the opinion of the Deputy Commissioner and Judicial Commissioner, led mainly to the conviction of the prisoners.
Raja Hunwunt Sing Bahadoor, of Rampoor.	24 April 1860	3	1	2	—	—	—	—	—	—
	TOTAL	609	450	153	8	34	10			

(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner of Oudh.

RETURN of Revenue Business disposed of by Talooqdar Collectors in the Province of *Oudh*.

1. NAMES of TALOOQDAR COLLECTORS.	2. Date on which he assumed the functions of a Collector.	3. Number of Summary Suits brought by his Tehsuldars against Tenants during 1860.	4. Number of Summary Suits brought by the Tenant against his Tehsuldars during 1860.	5. Number of Mis. Complaints brought by Tenants against Tenants in 1860.	6. Total of three preceding Columns, that is, of Cases instituted before Talookdar Collector during 1860.	7. Number of Total Cases in Cols. 3 and 4, in which decree was given in favour of the Tehsuldar.	8. Number of Total Cases in Cols. 3 and 4, in which decree was given in favour of the Tenant.	9. Number of Cases in Col. 6, in which the Orders of the Talooqdar Collector have been Reversed or Modified by Deputy Commissioner on Appeal, or of his own Motion on Examination of the Proceedings.	10. Number of Cases in Col. 6, in which regular Appeals have been prepared from Talooqdar Collector's Orders.	11. Number of Cases in Col. 6 pending at the close of the Year.	12. REMARKS by DEPUTY COMMISSIONER.	13. REMARKS by COMMISSIONER.	14. REMARKS by the CHIEF COMMISSIONER.
Maha Raja Maun Sing Bahadoor.	1 Aug. 1859.	249	72	56	377	200	130	5	15	3	-- Of the few revenue cases that I have found occasion to reverse, I have had to return the files to Talooqdars to reconsider their judgments.	-- The Talooqdars' position in certain classes of these cases renders impartiality on their part more difficulty than in criminal cases; but they have on the whole decided their cases very well. I regret to be obliged to except Sirdar Betram Sing, brother of Rajah of Kuppoorthulla, who allowed his office to fall into disorder.	-- It appear, that of 15 cases appealed the Talooqdar's order has been upheld in 10.
Raja Roostum Sah Bahadoor, of Dehra.	24 Feb. 1860.	23	19	16	58	18	20	- - -	-	5	—	—	—
Raja Madopershad Bahadoor, of Koonden.	,,	15	8	3	26	11	9	- - -	-	5	—	—	—
Syud Bakur Hussun Bahadoor, of Peerpoor.	19 May 1860.	28	21	3	52	27	11	- - -	2	11	—	—	—
Maha Raja Dirj Bijye Sing Bahadoor, of Berhampoor.	17Feb. 1860.	3	–	–	3	2	1	- - -	–	–	-- The cause of so few cases having been instituted in the Maha Raja's court has formed the subject of two references to the Maha Raja, to which he has replied, that only the number stated has been bonâ fide preferred, at the same time stating that none but the most trivial disputes were adjusted by his Tehsuldars.	- - - - - -	-- The peasantry in the Maharaja's estate are a very peaceable docile class. There is abundance of waste land under the hills, so they are not pushed for room, and the Maharaja is liberal in his hereditary estates.
Sirdar Bikam Sing Bahadoor.	16 Feb. 1860.	7	216	119	342	48	9	13	12	168	- - - - - - - -	- - - - - -	-- The Sikh agents employed by the Rajah did not understand how to deal with the tenantry, some of whom are also rather refractory. An experienced Hindoostanee agent has now been placed in charge of the estate at the recommendation of the Chief Commissioner, and the Sirdar has returned to the Punjab.

Rajah Furzund Ally Khan Bahadoor, of Jehangerabad.	13 April 1860.	3	11	2	16	7	–	1	–	1	-- Seven cases decided by razeenamah at this Talooqdar's Court. One case sent to Sudder for disposal.	—	—
Raja Kashu Pershad Bahadoor, Talooqdar of Lissendee.	31 May 1860.	6	7	–	13	13	–	- - -	2	1	—	—	—
Fuzzul Russool Bahadoor, Talooqdar of Sundela.	2 May 1860.	3	2	4	9	3	1	- - -	–	–	-- Balance five cases, adjusted by razeenamah.	—	—
Chowdry Hushmut Ally Bahadoor, Talooqdar of Rao Khas.	2 May 1860.	7	–	6	13	4	–	- - -	–	–	-- Balance, nine cases, adjusted by razenamah.	—	—
Raja Ibrahimbully Bahadoor.	24 April 1860.	2	4	–	6	5	–	- - -	–	–	-- Col. 7, one case settled by razeenamah at the Talooqdar's Court.	—	—
Kazee Surfraz Ally Khan Khan Buhadoor.	24 April 1860.	1	1	–	2	1	–	- - -	–	–	—	—	—
Kakeem Kuneem Ally Khan Bahadoor.	24 April 1860.	–	–	–	–	–	–	. - -	–	–	-- Not a case has this Talooqdar reported since his appointment as collector.	- - - - - -	-- No unfavourable conclusion need be drawn from this. The character of this gentleman stands very high indeed.
Raja Hurdeo Bux Bahadoor, Talooqdar of Kuliaree.	11 Dec. 1859.	4	3	1	7	1	1	- - -	–	–	-- Balance, five cases adjusted by Razenamah.	—	—
Raja Dirg Bijee Sing Bahadoor, of Moorannow.	18 June 1860.	1	1	–	2	1	–	- - -	1	–	-- Two cases instituted during the year. One case sent to the Sudder Court for appeal of Deputy Commissioner, and approved of. The other case has been appealed, but not yet decided.	- - - - - -	-- Head of the Baiswarra clan, by whom he is revered.
Mahomed Ashruf Bahadoor, Talooqdar, Asifpoor.	2 May 1860.	2	10	4	16	1	5	1	1	–	-- Eight cases ditto, ditto.	—	—
Dall Sing Bahadoor, Talooqdar, Khyrala.	2 May 1860.	–	1	–	1	–	1	—	—	—	—	—	—
Shumshere Bahadoor, Talooqdar, Devna Bazeonuggur.	18 May 1860.	–	–	1	1	–	–	- - -	–	–	-- One case, adjusted by compromise, or razeenamah.	—	—
Talooqdar Thakoor Gooman Sing Bahadoor, of Rampoor Muthra.	28 May 1860.	9	–	11	20	8	1	- - -	–	3	—	—	—
Talooqdar Mirza Shumshere Bahadoor, of Sohadutnuggur.	28 May 1860.	20	1	9	30	20	1	- - -	1	—	—	—	—
Talooqdar Mirza Ahmed Beg Bahadoor, of Kotubnugger.	28 May 1860.	2	–	–	2	2	—	—	—	—	—	—	—
Talooqdar Mirza Aga Jan Bahadoor, of Ourungabad.	28 May 1860.	2	–	–	2	2	—	—	—	—	—	—	—

RETURN of Revenue Business disposed of by the Talooqdar Collectors in the Province of *Oudh*—continued.

1. NAMES of TALOOQDAR COLLECTORS.	2. Date on which he assumed the Functions of a Collector.	3. Number of Summary Suits brought by his Tehsuldars against Tenants during 1860.	4. Number of Summary Suits brought by the Tenant against his Tehsuldars during 1860.	5. Number of Mis. Complaints brought by Tenants against Tenants, in 1860.	6. Total of Three preceding Columns, that is, of Cases instituted before Talooqdar Collector during 1860.	7. Number of Total Cases in Cols. 3 and 4, in which Decree was given in favour of the Tehsuldar.	8. Number of Total Cases in Cols. 3 and 4, in which Decree was given in favour of the Tenants.	9. Number of Cases in Col. 6 in which the Orders of the Talooqdar Collector have been Reversed or Modified by Deputy Commissioner on Appeal, or of his own Motion on Examination of the Proceedings.	10. Number of Cases in Col. 6, in which regular Appeals have been prepared from Talooqdar Collector's Orders.	11. Number of Cases in Col. 6, pending at the close of the Year.	12. REMARKS by DEPUTY COMMISSIONER.	13. REMARKS by COMMISSIONER.	14. REMARKS by the CHIEF COMMISSIONER.
Rana Lall Shunkur Bay Bahadoor, of Kujoorgaun.	28 Dec. 1859.	3	32	2	37	12	12	8	2	5	-- In five of these cases the decisions of the Talooqdar have been upheld, and in two cases the Deputy Commissioner has cancelled the Talooqdar's decisions, and one case was sent to the Sudder Court by the Talooqdar for information. Two cases have been appealed, but not yet decided.	- - - - - -	-- The entry in Col. 9 must be wrong, if the Talooqdar's orders have been upheld in five cases out of the eight.
Chowdree Surfraz Ahmed Bahadoor, of Lobeyha.	18 June 1860.	4	6	4	14	3	4	- - -	- -	6	-- Seven cases instituted during the year, one case entered in Col. 5 being mis., the Talooqdar struck it off the file. No orders cancelled by the Superior Court, and no appeals made.	—	—
Raja Madho Sing Bahadoor, of Ametre.	6 Aug. 1860	29	4	4	37	27	5	- - -	- -	5	—	—	—
Baboo Surrubjeet Sing Bahadoor, of Tikaree.	24 April 1860.	2	5	3	10	4	2	1	- -	1	-- One struck off the file, and one disposed of by razeenamah.	—	—
Raja Jugpal Sing Bahadoor, of Tilobee.	1 June 1860	4	14	5	23	2	17	- - -	- -	4	Since disposed of.	—	—
Raja Mhado Pertab Sing Bahadoor, of Koonvar.	1 Oct. 1860	- -	- -	1	1	- -	1	- - -	- -	- -	- - - - - - - -	- - - - - -	-- Head of the Ruchgotee clan of Rajpoots.
Raja Hunwunt Sing Bahadoor, of Rampoor.	10 May 1860.	30	17	- -	47	18	7	- - -	- -	3	-- Of other 19 cases seven were struck off the file, dismissed, and six disposed of by razeenamah; and as no column has been provided for these they have not been shown.	—	—
Dervan Hurnungul Sing Bahadoor, of Ovrecadee Jumtalie.	10 May 1860.	- -	- -	2	2	- -	- -	- - -	- -	- -	-- These two cases were instituted in the Deputy Commissioner's office, and were only sent to the Dewan for his remarks on certain points.	—	—
	TOTAL -	459	454	256	1,169	440	238	30	36	221			

(signed) *Charles Currie*,
Officiating Secretary to Chief Commissioner of Oudh.

The Government of India to the Secretary of State for India, dated 8 May, No. 49 of 1861.

Sir,

We have the honour to enclose a copy of a Gazette of the 17th ultimo, giving an account of a durbar held by the Governor General for the reception of a deputation of fourteen Talookdars of Oudh, who had come to Calcutta to present an address to the Governor General.

2. As this demonstration of loyalty to the Crown, and good will to the Government, is somewhat remarkable, and as, from the closest inquiries which the Chief Commissioner of Oudh has been able to make, it would appear to have been entirely spontaneous on the part of the Talookdars and other natives, and indeed rather concealed from the English officers until the last moment, we have thought it worth while to have a short memorandum prepared, giving some particulars regarding the address, and showing the position which the several Talookdars who appear to have been the chief movers in the matter respectively hold in their province.

3. It is remarkable that of the whole deputation, only two had ever been in Calcutta before, and about one half had never ventured even into Lucknow, until summoned there by the Governor General in the autumn of 1859.

4. None of them had any favour to ask in Calcutta, and all have returned to their estates, and resumed their magisterial and other functions.

We have, &c.

(signed) *Canning.*
H. Rose.
H. B. E. Frere.
R. Napier.

(No. 1879.)

Notification.

Fort William, Foreign Department, 17 April 1861.

On Tuesday, the 16th instant, at 9 o'clock, P.M., the Viceroy and Governor General held a public durbar, in the Marble Hall of Government House, for the reception of the principal talookdars of Oudh, and the native gentlemen of Calcutta and the neighbourhood.

The talookdars and native gentlemen were seated on the right of the throne, in the order of precedence.

On the Governor General's left, seats were allotted for the Honourable the Lieutenant Governor of Bengal, the Chief Justice, the Lord Bishop of Calcutta, his Excellency the Commander in Chief, the Honourable Members of Council, the Judges of the Supreme Court, the Members of the Legislative Council, the Judges of the Sudder Court, and the civil and military officers and chaplains, and the principal members of the non-official community of Calcutta.

When all were assembled, the Viceroy and Governor General entered the durbar, accompanied by the Honourable Members of Council, the Secretary and the Under Secretary in the Foreign Department, and the personal Staff.

The following chiefs and gentlemen* were introduced one by one to his Excellency by the Secretary, and presented nuzzurs:—

1. Maharaja Moheshar Buksh, of Doomrao.
2. Maharaja Dregbijie Sing, of Bulrampore, M.
3. Maharaja Maun Sing, of Mahdownah, M.
4. Raja Jugpal Sing, of Tiloe, M.
5. Raja Hunwunt Sing, of Kalakunkur, M.

6. Raja

* Those marked M. are assistant magistrates and collectors, and those marked C. assistant collectors.

6. Raja Roostum Sahai, of Dera, M.
7. Raja Furzund Ali Khan, of Jehangeerabad, C.
8. Raja Gowree Shunkur, of Mooraon.
9. Raja Kishen Dutt Ram, of Gonda.
10. Chowdhree Hushmut Ali, of Sundeela, M.
11. Lall Shunker Bux, of Khujoorgaon, M.
12. Syud Bukur Hoosein, of Peerpoor, M.
13. Baboo Ajeet Sing, of Tiroul.
14. Chowdhree Sirfiraz Ahmud, of Soobeyah, C.
15. Chowdhree Nawab Ali Khan, of Suleempore.
16. Baboo Thakoor Pershad (uncle of Rajah of Tilore).
17. Baboo Balgovind (nephew of Rajah Gowreeshunkur).
18. Raja Radhakant Deb Bahadoor.
19. Raja Kalee Krishna Bahadoor.

The nuzzurs of the Oudh talookdars, on whom khilluts were afterwards conferred, were accepted. The nuzzurs of the others were remitted by the Governor General.

The other native gentlemen present in durbar were introduced to the Governor General by the Under Secretary. They presented nuzzurs, which were remitted by his Excellency.

Suitable khilluts were conferred on the Oudh talookdars, after which the talookdars presented an address to his Excellency the Governor General, which was read in the vernacular by Maharaja Maun Sing, and of which the following translation was read by the Secretary :—

" My Lord,—We offer thanks first to the merciful and gracious God, the protector of the world and all that dwell therein, who, after causing the evil days to pass, has bestowed on us days of peace. This world (and all that it contains) is a garden created for the enjoyment of God himself, the Physician. Whenever cruel rulers waste it, like the summer sun, by their fierceness, and strip it of its flowers and leaves, then He, through some of His chosen agents, orders the rain of mercy and compassion, and makes it green and fresh. Afterwards He regards with fond interest the handiwork, and makes His chosen agents beloved and respected throughout the world. This has been exemplified in the troublous time recently gone by, in which, after innumerable calamities had been inflicted by violent and savage rulers, increased honour and renown came to our chosen Queen, who rides upon the heavens (may her empire and power endure!), and to your Excellency, her representative and our Lord, dear to the hearts of all.

" In truth, your Excellency has gained elevated rank and the love of all, and we have obtained an opportunity of showing our gratitude and offering our praises to you.

" My Lord, we not only thank your Excellency for this, that for our benefit, and for the sake of pleasing God, you extinguished your anger and displeasure with compassion and mercy, and justly issued in succession advantageous orders and beneficial circulars; but we are especially grateful for this, that you came in person to Allahabad to issue these orders, and to see to their faithful execution at all times. For the purpose of carrying out the above measures, you selected officers whose appointment was efficacious in every respect, and advantageous to the people. My Lord, that physician alone can attain his object in whose laboratory there are men who can judge of each disease.

" At that time, in one direction, the pile of the fire of the rebellion blazed high, and consumed the plan of the citizens. On the other side, the storm of the water of the swords of the troops of the Commander-in-Chief, coming in waves to extinguish the fire, turned the whole kingdom into chaos. In that time of struggle, the poor people, struck with infatuation, could not protect themselves, but, like animals in a forest burning all around them, and neither able to fly nor to remain, were overwhelmed in destruction.

" Praised be the late Chief Commissioner, Mr. Montgomery, and his assistants, Colonel Barrow and Colonel Bruce, for their wisdom and prudence. These men, in the critical time, drew the reins of the horse of anger, and spread the carpet of counsel and friendship. As a good physician first expels from the body of the patient the disturbing cause which endangers his life, and then applies remedies, so the above officer removed the evil counsellors and godless from among the people, through whose influence they were blinded, and unable to distinguish friends from foes, and by the help of his assistants above-named, began

began to give us hope, half-dead through fear. This was the first stage of order and peace.

"To give hope to the patients, a proclamation, offering protection of life and property to all who should timely surrender and yield submission to the British Government, was issued. This was a cause of confidence; and had such effect, that great and small being saved from the disease of infatuation, were restored to their former state.

"My Lord, in former times, on such occasions, it was considered right to subdue the people by severe measures. But in truth God has placed a ruler over his subjects to be a father and mother to his creatures; and, as it has been made incumbent on the ruler to protect the people, so it is lawful for him, in return for that protection, to levy a revenue from them. But it is not proper for the father to withdraw his affection from his infatuated children and cast them into a sea of displeasure. It is rather incumbent on him to bear all patiently, and to try by all means to support them. It was thus that, on the departure of Mr. R. Montgomery, your Excellency, through the excellent appointment of Mr. Wingfield, completed all the arrangements which had been left unfinished, and fulfilled the duties of Her Majesty the Queen, who rides on the heavens (may her empire and power endure!), and the duties of your Excellency's office, whereby you acquired a distinguished name among the wise. We sincerely thank you for the adoption of these measures, the beneficial effects of which were such as we had read of only in history. But although these measures gave assurance of safety to all, yet it must be remembered that they would not have removed the uneasiness and the ruin which the administration of 1856 had caused, had not your Excellency held out assurance, through Mr. Wingfield, that the rights which they had enjoyed for 800 years, but which were then in abeyance, would be confirmed to them in perpetuity on a new and secure basis.

"My Lord, as natives of Hindostan, we do not consider our houses our own if the land on which they stand does not belong to us in perpetual right, and we do not look upon the people of the house as our own if we have no control over them. Nothing so much as this could give vigour to our mind, and induce us to offer up prayers to the Almighty for the prosperity of the British Government. In following the course they did on these two points, the object of your Excellency's agents above-named was not only to consult our happiness, but also to strengthen the ties of affection which subsist between us and the British Government, and have given stability to our State.

"My Lord, a country may be conquered and a house may be founded by the sword, but the history of centuries proves that the perpetual stability of that house depends on the love of the people. The present assembly may believe that the work of the sword is to divide, not to unite.

"Wise men consider that the basis of empire is strengthened by the ties of affection. Actuated by this consideration, the Emperor Jullaloodeen Mahomed Akbur, of the house of Timour, followed that course. But it was left incomplete, in order to display the fame of Her Majesty the Queen, who rides on the heavens, and your Excellency, her Viceroy, who has re-established the English power over all India, and especially in Oudh, on this foundation, and left a good example to future sovereigns.

"We cannot indeed complain that the former police, judicial, and revenue arrangements were not good; but we can undoubtedly say that the alterations made by your Excellency in these arrangements have proved highly beneficial to the people, and have fulfilled the designs of the people of former times. And you have shown that the Queen of England is not the Sovereign of the English only, but is considered by the natives of Hindostan as God's Vicegerent.

"We shall specify a few of these:

"1. There is the Talookdaree Settlement, which has not only contributed to remove the fears of the people, but re-established peace, which is only a drop in the ocean of its good effects. On careful observation it will be found that the signs of the contentment of the people, such as the establishment of bazaars and gardens, the erection of houses, and the excavation of tanks and wells, were fewer under the former settlement with the zemindars, than in the thirty-three months of the experiment of the present settlement. The cause is, that the former petty zemindars were not able to spend thousands of rupees on such works, and their income was sufficient only for their maintenance and the costs of suits which

they used to bring against each other. By the present arrangements, on the contrary, the zemindars live in the enjoyment of their petty rights, which are fixed by the respective talookdars, and have no cause to incur any expense, while the talookdars, on their part, are bent on improving their estates, by the construction of works from the profits of their property.

"2. The new arrangements which have been made in the Police Department, through Colonel Bruce and other officers, have not only protected the life and property of the people from the hands of thieves and robbers, but also put an instant stop to bribery. O just Ruler! life and property may truly be said to be safe when a man enjoys them without any one's interference.

"3. By the arrangements made in the Judicial Department, every poor ryot, without incurring expense, without undergoing the trouble of resorting to a court at a distant place, and without the intervention of the amlah, can get his case decided by his own talookdar, who understands his affairs.

"My Lord, in confirming the aforesaid arrangements, your Excellency has not only established a claim to our lasting gratitude, but has, beyond doubt, furthered the ends of justice.

"The territory of Oudh, in freshness and beauty, was beyond comparison with any garden. But for a time, being filled with wild and ravenous beasts, it became a fearful desert. Thanks! a hundred times thanks! to your Excellency, the kind and the generous. We are grateful also to the officers by whose unremitting exertions this thorny forest has become the envy of the garden. This place your Excellency saw with astonishment on the 26th October 1859, when you held a general durbar at Lucknow. We shall never forget the remarkable day when your Excellency, as Viceroy, surrounded by the civil and military officers, received us, the representatives of the people of Oudh, in durbar.

"Your countenance then glowed with affection for the people of Oudh. Blessed! blessed! blessed! be our beloved Queen, who rides on the heavens. Blessed be the day and the moment when our Viceroy restored to us those rights which we have enjoyed from time immemorial, but of which we were for a while deprived, and when you thus fulfilled the will of the Almighty, who is full of mercy and love for his creatures, and when you conferred on us khilluts, and jagheers, and titles, which will descend as signs to our posterity. These presents not only displayed the unbounded generosity of your heart, but made every one desirous of rendering services to the British Government.

"In concluding our address, we fervently pray Almighty God to continue to maintain over us the protection of Her Majesty and your Excellency, and to dispose the hearts of us and our descendants to pray, and our tongues to praise, because we can give no other return for all these favours."

His Excellency the Governor General then addressed the talookdars in the following words, a translation of which was afterwards read aloud by the Secretary:—

"Talookdars of Oudh,—I receive your address with much pleasure.

"I am glad to acknowledge the spirit of loyalty to the Crown, and of attachment to the Government which pervades it.

"I am glad, too, that you have chosen to present it to me here, in the capital of British India, amongst a community of your fellow-subjects, to whom you and your province are as yet but little known, and in the presence of the chief officers of the State assembled to receive you.

"You have referred to various incidents in the recent history of Oudh. That history has indeed been an eventful one.

"Six years ago Oudh was the worst-governed country in India. Nowhere were life and property more insecure, or oppression and violence more flagrant.

"Two years elapsed, in the course of which Oudh came under British rule, but mutiny and rebellion soon reached the new province, and raged in every corner of it.

"Two years more, and rebellion had been crushed and peace restored. Sharp punishment swept the guiltiest from amongst you, but mercy remained for those who made submission, and favour for those who were cordial in their allegiance.

"Again two years, and prosperity has followed so closely upon peace, that there

there is now no part of Hindostan more flourishing, or more full of promise for the future. The ancient system of land tenure has been restored, but has been placed upon a new and clear foundation. The preservation of the great families of the soil has been encouraged and facilitated. The rights of the humbler occupants have been protected. Garrisons have been reduced; police diminished. The country is so tranquil, that an English child might travel from one end of it to the other in safety; so thriving, that its people have been the most prompt and liberal of all the natives of India in responding to the cry of their famishing brethren of the North West. Whilst you, who are now the independent magistracy of your province, have already become, although you are the newest of the Queen's Indian subjects, the foremost of them in the practice of self-government, and in enforcing, by your example and authority, an intelligent reverence for law and order.

"Such are some of the chief changes, briefly told, which have passed over your country in the last few years; and they present lessons which it behoves you—and not you alone, but your fellow-countrymen of all India—to lay to heart.

"You have seen it proved before your eyes that there is no section, or race, or multitude of you, which can hope to brave the power of the English Government with impunity.

"You have seen that those who resist or cross that Government it is sure and swift to punish, although, justice satisfied, it is eager to forgive and to forget.

"You have seen that those who serve it earnestly it is never forgetful to reward.

"And you have seen, and you are yourselves the evidence of this, that it is its wish and purpose to seek out amongst you the chiefs and great landholders of India, those in whom it may safely repose its confidence, and, having found them, to place power and influence freely in their hands, and to uphold them to the respect of their fellow-subjects of every class.

"Impress these lessons upon those around you. Teach them to your children. And if you desire, as to-day you have told me that you do desire, to show your gratitude for the treatment which you have received, let it be your care, one and all, each in his sphere, to do all that in you lies to make certain that by no act or example of yours shall the Government, which has confided in you, be exposed to the reproach of having misplaced its confidence, or the gentry of India be taunted with having proved unworthy of their trust. To secure this you have only to continue steadfast, as you have hitherto been, in the honest and zealous exercise of the powers which have been given to you. If difficulties or perplexities should meet you, have recourse to the Chief Commissioner of your province for guidance. You will find him, as you have found his predecessors, Sir Robert Montgomery and Mr. Wingfield, your best adviser and your truest friend.

"I am glad to see that you appreciate at their value the services which those distinguished officers, and others associated with them, have rendered to your country.

"Talookdars, it is uncertain whether I shall ever set foot in Oudh again. Perhaps not. But though I may now be speaking to you face to face for the last time, the interest which I feel in the prosperity of your country will never cease. It is a deep interest, and it will be a lasting one, not only because the prosperity of Oudh involves the happiness of seven millions of people, who became subjects of the Queen of England by circumstances which made an anxious care for their well-being one of the most solemn duties that ever fell upon a Governor General of India, but also because the continued success of England's Government, as it is now administered in Oudh, will be a standing proof that, in spite of bygone animosities, and of the broadest differences of race, religion, and social usage, a generous and trustful rule is the surest way to make a loyal and dutiful people."

After the usual concluding ceremonies, the Viceroy and Governor General left the Durbar, and the assembly broke up.

By Order, &c.
(signed) *C. U. Aitchison,*
Under Secretary to the Government
of India.

MEMORANDUM.

THE Gazette Extraordinary of the 17th instant recounts the proceedings of the durbar held by the Governor General on the evening of Tuesday the 16th instant, for the reception of some of the chief talookdars of Oudh.

The address, which was presented to his Excellency by the talookdars on behalf of themselves and their brethren in Oudh by whom they were deputed, is signed by 171 talookdars, and 2,672 tenants of talookdars or under-proprietors. An abstract, showing the districts and divisions in Oudh to which the subscribers of the address belong, is appended to this memorandum.

There are about 40 talookdars in Oudh who are under age. None of these were asked to sign the address. But of the adult talookdars, including females, there is probably not one of any influence by whom the address has not been subscribed. It was only at a late period that it occurred to the talookdars to invite the under proprietors and tenants to join in the address. Had more time been afforded, it is probable that the signatures of this class would have been much more numerous.

The following table will give some idea of the position and wealth of the members of the deputation:—

NAME.	Approximate Amount of Revenue paid to Government.	Approximate Income from Land.	Approximate Area of Estate in Square Miles.	REMARKS.
	Rs.	*Rs.*	*Rs.*	
Maha Rajah of Balrampore - -	300,000	400,000	500	- - Estate very lightly assessed; holds rent free villages yielding rental of about 20,000 rupees.
Maha Rajah Maunsing - - -	400,000	275,000	500	
Rajah Kishen Dutt - - -	200,000	200,000	300	
Rajah Gowree Shunker - -	140,000	100,000	250	- - Estate highly assessed. But he is also a great banker and probably derives an additional income of 100,000 rupees from his business. His income from trade was assessed at that amount in assessing the Trades Tax in Oudh.
Lall Shunker Bux - - -	100,000	120,000	200	
The foregoing are the most influential and wealthy of the Deputation.				
The least wealthy are:				
Baboo Aject Sing - - - -	16,000	30,000	Not known.	- - Representative of one of the highest Hindoo families. Holds rent free villages yielding rental of 10,000 rupees.
Chowdree Nawab Ali - - -	35,000	35,000	80	
Raja Furzund Ali Khan - -	45,000	50,000	Not known.	
Chowdree Sirfroz Ahmud - -	40,000	40,000		

The

The position occupied during the rebellion by the talookdars who were present at the durbar was shortly as follows :—

The Maha Raja of Bulrampore.—At the outbreak of the mutinies the Maha Raja received in his house at Bulrampore the European civil and military officers of Government, who sought his protection, and escorted them in person to Bansee in the Goruckpore district, whence they were all enabled to reach a place of safety. Favoured by the situation of his estates on the banks of the Raptee, the Maha Raja had less difficulty than others in keeping aloof from the insurrection. He remained at his home till the suppression of the rebellion in Oudh, and never joined the rebels, although he was obliged to send a few men to the general levy at Lucknow. He was besieged in his fort by the forces of the Begum Huzrut Mahal in September 1858, and was obliged to pay a large sum of money to induce them to retire.

2. *Maha Rajah Maun Sing.*—At the commencement of the mutiny the Maha Rajah, who for a fortnight previously had been placed under surveillance, opened his fort at Shahgunge, about 15 miles from Fyzabad, to several European officers and ladies whom he ultimately escorted in safety to Patna. For three months he refused to join the rebel cause, and was in communication with the authorities of Goruckpore, and had engaged to facilitate the march of the Goorkha troops to Fyzabad. When the design of marching the Goorkhas on Lucknow was abandoned, the Maha Rajah yielded to pressure from the rebels, and in the beginning of September 1857, he repaired to Lucknow. At the relief of Lucknow by Sir Henry Havelock and General Outram, there is no doubt that Maun Sing opposed the British troops.

He soon, however, detached himself from the rebels. In December he returned to Fyzabad and opened communication with the British authorities at Goruckpore. From this time he steadily attached himself to the cause of the British Government, and drew down on himself the vengeance of the rebels. He was besieged in his fort at Shahgunge in July or August 1858, by a large rebel force, and was placed in a very critical position, from which he was extricated by the advance of Sir Hope Grant's force. Thenceforward he actively aided the British Government. He accompanied the Commander-in-Chief in his advance across the Gogra in the end of 1858, and was present in the actions that ensued in the Baraitch division. He also accompanied Sir Hope Grant in April 1859 in the operations against the rebels who had issued from the Nipaul Terai, and he holds a certificate from Sir Hope Grant testifying to his coolness and courage in the engagements which then took place.

As regards the part which the Maha Raja took in the rebellion, great allowances must be made for the difficulties of his position. He was the most powerful and influential man in Oudh. His family had been raised from obscurity by the favour of the kings of Oudh, and the strongest appeals were made by the rebels to his sense of gratitude and duty to the royal house that had bestowed such benefits on his family.

3. *Rajah Jugpal Sing.*—Sent men to the general levy at Lucknow, but was not prominent in the rebellion during 1857. Early in 1858 he tendered his submission to the British Government, and in consequence exposed himself to the vengeance of the rebels. He was besieged in his fort by the combined forces of Benee Madho and all the neighbouring talookdars, and was reduced to great extremity. It was long before the British troops could render him any assistance.

4. *Rajah Hunwunt Sing.*—The rajah kept Colonel Barrow and all the chief officers of the Salone district in his fort for nine days, and afterwards escorted them safely to Allahabad. He then took a decided part in the rebellion. He himself from his fort at Kulakunkur fired at a steamer that attempted to ascend the Ganges, and compelled it to return. In the end of 1857 his son was killed in an engagement with the Goorkah troops in the Jounpore district. He is said to be a thoroughly honest and open man, and to have been an honourable enemy during the rebellion.

5. *Rajah Roostum Sahee* protected the European officers who sought shelter with him on the outbreak of the mutinies, and in June 1858 he received Mr. Fisher in his fort at Dera, and maintained him there till it was dangerous for him to remain longer. Although he was not favoured by situation, Rajah Roostum Sahee took no part in the rebellion, and never went to the rebel court at Lucknow.

6. *Rajah Furzund Ali Khan* was a courtier before the annexation of Oudh. In 1856, he accompanied the king of Oudh to Calcutta, where he remained for some time. He was not a prominent rebel, and early made his submission to the British Government.

7. *Rajah Gowree Shunker* was always attached to the British Government, but was forced so far to join in the rebellion as to send his levies to the rebel army. He entered into correspondence with General Outram while at the Alum Bagh, and materially assisted in supplying provisions, &c., to the force there. He rendered great assistance to Government throughout 1858.

8. *Rajah Kishen Dutt* is a well disposed but weak man. Immediately on the outbreak of the rebellion he was attacked by Devee Buksh, the rajah of Gonda, stripped of all his estates and compelled to seek safety in flight. Early in 1858 he was taken captive by Mahomed Hussun, the rebel nazim of Goruckpore, who some years before had murdered his brother, and was subjected to many indignities and to very cruel treatment, from which he nearly died. During the whole period of the rebellion he was either in prison or in exile.

9. *Chowdree Hushmut Alee* is a man of great influence in the west of Oudh. When the rebellion broke out he was appointed Nazim of Hurdui and other districts. He was a very noted and active rebel leader, and frequently engaged with the British troops. He was an honourable enemy, and has never been accused of any cruelties. Early in 1858 he tendered his submission and became as active and bold in his adherence to the British cause as he had been in rebellion. During 1858 he was engaged on the British side in many actions with the rebels.

10. *Lal Shunker Buksh* is a young man and a kinsman of Benee Madho; his father joined heartily in the rebellion, but made his submission early in 1858.

11. *Synd Bakur Hossein* was obliged to lend support to the rebellion, but his heart was never in the cause; he made his submission early in 1858.

12. *Baboo Ajeit Sing* attached himself to the cause of the British Government from the first. Before the rebellion he possessed little landed property. When his kinsman, the talookdar of Tiroul refused to give shelter or protection to the English fugitives of Pertabgurh, Baboo Ajeit Sing came forward and escorted them with a party of his own men into Allahabad. For these acts he was obliged to flee from Oudh to the Jounpore district, where he lived during the greater part of 1858.

13. *Chowdree Sirfiraz Ahmud* took part in the rebellion, but made his submission early in 1858, and rendered service in opening communications with other rebel leaders, and detaching them from the rebel cause.

14. *Chowdree Nawab Ali Khan* joined heartily in the rebellion, but made his submission to the British Government early in 1858. His relative, the late Rajah Nawab Ali Khan, was one of the most powerful talookdars in Oudh, and was the first to declare against the British Government in 1857. He induced the mutineers of the Oudh Irregular Force, who intended to proceed to Delhi, to remain and besiege the Lucknow Residency. The conduct of Rajah Nawab Ali had great effect on the other talookdars.

STATEMENT showing the Districts in which the Talookdars and others who signed the Address to His Excellency reside.

	NAMES OF ZILLAHS.	Number of Talookdars.	Number of Tenants and Under-Proprietors.
Lucknow Division	Zillah Lucknow	3	66
	Zillah Nawabgunge	37	65
	Zillah Oonao	15	74
Baraitch Division	Zillah Baraitch	5	29
	Zillah Gondah	3	856
	Zillah Fyzabad	12	799
Baiswarrah Division	Zillah Sooltanpore	28	424
	Zillah Pertabghur	25	38
	Zillah Roy Bareilly	17	128
Khyrabad Division	Zillah Seetapore	4	18
	Zillah Hurdin	16	176
	Zillah Luckhum Poore	6	—
	Total	171	2,672

FOREIGN DEPARTMENT.

The Governor General of India to the Secretary of State for India, dated 17 April, No. 38 of 1860.

I HAVE the honour to forward for your information copy of a Despatch from the Officiating Secretary to the Chief Commissioner of Oudh, No. 1258, dated 5th instant, describing the measures taken by the Chief Commissioner for taxing the mercantile classes in Oudh, similar to the system adopted in the Punjab, together with a copy of the letter addressed to the Chief Commissioner on the subject.

2. I beg to call your attention to Mr. Wingfield's important and interesting Despatch; firstly, as showing that a new and direct tax may, if moderately assessed, and levied with care, good judgment and considerateness, be collected over a whole province without raising a murmur; and secondly, as exhibiting the first prominent example of the benefit to be derived from associating the chief landholders of the country with the Government in the business of civil administration.

I have, &c.
(signed) *Canning*.

(No. 1258 of 1860.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to *Cecil Beadon*, Esq., Secretary to the Government of India, with the Governor General, Foreign Department; dated Lucknow, 5 April 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 606, dated 8th December last, with enclosures, relative to the taxation of the mercantile classes in the Punjab, and to describe the measures taken by the Chief Commissioner to introduce a similar system of taxation in the Province of Oudh, under the authority conveyed in your letter under reply. Revenue.

2. The Chief Commissioner having observed the marked success which attended the reimposition of octroi duties in the large towns of the Punjab, as described

described in paragraph 5, &c., of the Secretary to Government Punjab's letter, turned his attention in the first instance to a similar method of raising the revenue of this province. These duties are already levied for municipal purposes at all the principal marts of the province, and it was deemed practicable to enhance the proceeds so as to obtain an additional revenue capable of being appropriated to Imperial purposes.

3. The Chief Commissioner, however, did not solely or even mainly rely on this measure for the realisation of any considerable revenue; and in the circular which he issued to the Commissioners of the province, expressing his own views, and inviting their opinion and suggestions previous to determining on any fixed line of action, he distinctly stated that he attached the greatest importance to the system of lump assessment, leaving the distribution of their quotas to the people themselves. In fact, the Chief Commissioner was opposed to having recourse to these duties at all, as they enable the wealthy to shift the burden on to the poor, and fall most heavily on the producers, or the very class which it is the object of the Legislature to exempt. Moreover, the levy of these duties is not indigenous in the province; the only town in which octroi duties, properly so called, are levied is Lucknow. In all other towns the duty levied is a choongee, or duty on actual sales. The extension of the levy of duties on all articles brought into towns, irrespective of any sale being effected, would have a tendency to convert the so called octroi into a species of transit duty. The Chief Commissioner was particularly loath to introduce into the province any system of taxation likely to lead to such results, and he therefore looked to increased octroi duties simply as an auxiliary source of revenue in the last resort, in the event of his being unable to raise an adequate sum by the more correct principle of direct taxation.

4. On receiving from the different Commissioners a list of the towns and bazaars in which octroi duties are levied, together with the rates fixed, the Chief Commissioner ascertained that these duties were already levied at every considerable mart, and at rates as high as the present depressed condition of the province could well bear. It became evident, therefore, that if octroi duties were to be resorted to for the purpose of raising an Imperial, in addition to a municipal revenue, the rate of duty must have been increased, and the levy of the duties extended to places of such trifling importance, as to make the tax burdensome to the people.

5. The objections to a recourse to the levy of octroi duties in general, as stated above, weighed with the Chief Commissioner in determining him not to extend them to other towns or bazaars than those at which they are already levied for municipal purposes, to which uses they will in future be strictly confined. So, also, it was found that the present rates of duty could not be raised without materially obstructing the development of trade, which it is the Chief Commissioner's highest aim to foster and resuscitate from the depression into which it has fallen during native rule, succeeded by such a convulsion as the late rebellion.

6. It is true that the cities of Lucknow and Fyzabad might have been able to contribute a considerable sum by increased octroi duties, but as it was never contemplated to grant the inhabitants of these towns the option of exchanging direct taxation for increased octroi rates, the Chief Commissioner thought it would be advisable to raise the whole by one, and that the soundest method of taxation. Moreover, in Lucknow, the only city of the province, the rate of duty already levied amounts to *Rs.* 4. 8. per cent. *ad valorem*, or the highest rate to which it was proposed to raise these duties in the largest towns of the Punjab. To have levied a higher rate could have made the tax very oppressive, while the additional proceeds would only have amounted to one lac of rupees.

7. The Chief Commissioner, therefore, abandoned the project of having recourse to the octroi duties, even as an auxiliary source of State revenue, and determined to adhere to the principle of direct taxation alone. I now proceed to detail the method in which the principle has been applied, and to report the result.

8. The Chief Commissioner's main object has been to raise a fair revenue for the State from the non-agricultural classes of the province, by the imposition of a tax based on the principles contained in the Bill for licensing trades and professions

fessions lately before the Legislature. He has endeavoured to impose this tax without making its assessment too inquisitorial, or its distribution and collection vexatious. After mature deliberation and consultation with several of the most able officers of the province, the Chief Commissioner determined to have recourse to the mode of lump assessment, *i. e.*, the amount to be levied from each town and village was to be fixed by the district officers, and the distribution of the quotas was to be left to the people themselves. This was the method that had been partially followed in the Punjab, and had met with the approbation of his Excellency.

9. To enable the district officer to make his assessment, it was necessary that he should have some data on which to base his calculations. Lists were therefore directed to be prepared, showing the names of all persons exercising trades and occupations other than that of agricultural, and their estimated gains. The district officers were instructed to direct the tehseeldars and other subordinate officers entrusted with the preparation of these returns, to enter the estimated gains of individuals, according to current rumour and presumption, without any inquisitorial investigation into their correctness, and they were further desired to make use largely of the assistance of talookdars, zemindars, and putwarees, in drawing up these preliminary returns. In talooquas, indeed, the work was almost entirely entrusted to the talookdars.

10. As the estimated gains thus obtained would necessarily form very imperfect data, the district officers were authorised to accept them only *quantum valeant*, and to use their own discretion in raising or lowering them according to their own judgment of their value, derived from knowledge of their districts.

11. The amount of tax to be levied was calculated at the rate of three rupees per cent. on the gross estimated incomes of the non-agricultural community of the town or village. No classes were adopted. The sum so fixed was left to the people to be distributed amongst themselves, with these conditions, that no persons were to be made liable to pay any quota whose names were not entered in the original list submitted to the district officer. The Chief Commissioner having determined that no one was to be taxed who was unable to pay one rupee per annum, the names of all such people were erased from the list by the district officers before being returned for the distribution of the tax assessed. The aid of the talookdars has again been most valuable in making this distribution, and has to a great extent secured the poorer classes from being sacrificed to ease the rich.

12. Exemption has been given in favour of coolies, village chowkeedars, putwarries, inferior village servants, Sepoys in the employment of Government, and servants generally. In this province a tax on these last would have been equivalent to a tax on their masters. Zemindars in the habit of advancing loans to persons other than their own tenants, or otherwise engaging in commercial or banking transactions, have been subjected to the tax.

13. The collection of the tax after distribution has been entrusted to the talookdars and zemindars within the limits of their estates. The talookdars have readily undertaken the task. In large towns the collection has been made through the chowdrees of the different trades. A commission of half an anna in the rupee has been allowed to the parties entrusted with the collection, and the payment of the whole demand being divided into two instalments, licenses in the form annexed have been granted to all persons made liable to the tax on payment of the first instalment.

14. Provision has been made for keeping a check on persons closing their shops during the year and removing to other parts of the province, and also for subjecting to taxation any person setting up in trade after the assessment and distribution has been finished. It having been represented that much of the trade of the country is carried on in open air marts, the traders resorting to these marts have been obliged to take out licenses, provided they have not already been subjected to taxation, in the town or village in which they reside. The amount to be paid has been left to the discretion of the district officers, who will decide according to the means of each individual.

15. The difficulties with which Mr. Carnegy has had to contend in the assessment and distribution of this tax on the large city of Lucknow have been of no ordinary nature. The heads of guilds showed no disposition to render any assistance. There proved to be little union between the members of the same guild, and the subdivisions of each were very numerous. It was, therefore, found necessary to determine the lump system on mohullahs or parishes, and not on guilds or trades; and as the influence possessed by the heads of parishes was very small, the Government officials were compelled to undertake the duty of preparing the registers described in the 9th paragraph of this letter. This was a most difficult and laborious operation, owing to the circumstances of one and the same trader often carrying on business in several quarters of the city, and the necessity of bringing him under taxation in only one parish, and that the one in which his principal business was transacted. Moreover, in anticipation of the contingency rendered probable by the want of co-operation on the part of the leading inhabitants, that it might devolve on the same officials to distribute the assessment when made, it became requisite to ascertain the incomes of the taxpayers with a greater degree of accuracy than had been thought necessary in the rural districts, where no difficulty in carrying out the system of self-distribution had been experienced.

These difficulties have, however, been surmounted, and since the declaration of the amount on each mohullah, the work of self-distribution by the inhabitants is progressing favourably, and it does not seem probable that the further interference of the Government officials will be called for.

16. The financial result of the above measures is marginally shown*, and exhibits an increase to the revenues of the province of 11¼ lacs. The Chief Commissioner trusts that his Excellency the Governor General will consider this satisfactory, though he admits that he originally anticipated a longer out-turn. The Chief Commissioner has lately made a tour of the whole province, and from personal observation, and from the inquiries he has instituted, he is convinced that the country is too poor to bear a much higher pressure.

17. The Chief Commissioner desires me to draw his Excellency's attention to the relative positions of Oudh and the Punjab. In the former the country has been for years sinking under the oppression and misrule of native governors, and has but very lately been the scene of one of the most tremendous convulsions known in history. The latter has enjoyed perfect peace and repose for the past twelve years. Its trade has been fostered, and its resources developed by able and beneficent rulers. In the Punjab the large commercial marts studded over the whole country mark its prosperity. In Oudh there are no commercial marts at all, and the only city of consequence, Lucknow, has been raised to its present prosperity, not by commercial enterprise, or from being the emporium of trade, but from the assemblage of traders, artisans, and craftsmen who necessarily surround the courts of eastern kings. The Punjab again is so situated that a very large and important traffic passes through it. Oudh, on the other hand, is not on the high road of any foreign traffic, its position being such as to render the passage through its territory of any but indigenous commerce impossible. In fact Oudh and the Punjab have changed places. The pay of the native army now flows into the latter instead of the former province, and while the Punjab has been enriched with the plunder of Hindoostan, Oudh has for three years been the seat of rapine and disorder.

18. If, then, the Punjab, the land revenue of which is just double that of Oudh, with all the advantages above described, and with the assistance of increased octroi duties, raises a revenue from 25 to 30 lacs, the Chief Commissioner thinks

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Khyrabad	Seetapoor	90,000	Fyzabad	Pertabgurh	58,000
	Hurdui	70,000		Sultanpoor	60,000
	Durriabad	70,000		Fyzabad	90,832
Lucknow	Lucknow City	300,000	Baraitch	Luckheempore	75,000
	Lucknow District	61,971		Gondah	70,000
	Oonao	65,000		Baraitch	40,000
	Roy Bareilly	73,937			
				Total	11,24,760

thinks that 11¼ lakhs is not so unfavourable an out-turn for Oudh, suffering as it is under many disadvantages, and considering that the whole amount has been raised by direct taxation, a system, the satisfactory introduction of which into India has been for many years he great problem to be solved.

19. Moreover, the Chief Commissioner is of opinion, that the great object of introducing the principle of direct taxation into the province rapidly and without harassment or vexation to the people, would have been well attained, even at the loss of some revenue. He considers it a matter of no small importance that a tax of 11¼ lakhs has been assessed under a new method, distributed over about 500,000 taxpayers, and partially collected without a murmur.

20. The Chief Commissioner has directed statistical returns to be prepared, showing the incidence of this tax on the several classes of trades throughout the province. From a careful examination of the information that will be thus afforded, he anticipates very valuable results, and he hopes to be able so to classify the different trades and professions as not only to make the calculation of the assessment in future years a much easier operation than it has been this, but also to ensure a more perfect distribution of the tax, according to the respective means of the rateable classes.

21. In conclusion, the Chief Commissioner desires me to solicit the expression of his Excellency's approbation of the exertion of the several Commissioners and Deputy Commissioners of the province, who have all laboured zealously and strenuously to carry out his views. Where all have deserved the highest praise, it is perhaps invidious to name any; but the Chief Commissioner must bring prominently to notice the names of Colonel Abbott, Commissioner of Lucknow; of Mr. Carnegy, Deputy Commissioner of that district; and of Captain Reid, Deputy Commissioner of Sultanpore. From the first named officer the Chief Commissioner has throughout received the most valuable advice and suggestions on the introduction of the measure. The difficulties with which Mr. Carnegy had had to contend in the assessment and distribution of this tax on the large city of Lucknow have been already described. Captain Reid collected the first instalment of the tax within six weeks of receiving the orders to enforce it.

22. The Chief Commissioner trusts that his Excellency will make allowance for the total absence of all data on which to work, as this was the first obstacle against which the district officers had to contend. With the exception of the names of the villages, there were no data whatever. The census returns of the population, classified under their respective trades and occupations, would have been of great assistance, but these were wanting. The native officials, through whom the district officers were obliged to work were, generally, but little acquainted with the province, and new to their duties. When his Excellency considers that, with all these drawbacks, it has been necessary to prepare lists of all the non-agricultural residents of every town, village, and hamlet; to test these lists when made, to correct the errors of stupid native subordinates, to calculate the assessment of every village, and to supervise its distribution; when he further considers that this has been done, in addition to the regular and heavy routine work of the province, with a very slight extra establishment, the Chief Commissioner thinks that he will be satisfied that three months is not a very lengthy period for the completion of so arduous a task.

I have, &c.

(signed) *Charles Currie,*

Officiating Secretary to the
Chief Commissioner, Oudh.

From the Secretary to the Government of India with the Governor General, to the Chief Commissioner of Oudh ; dated Simla, 17 April 1860.

Sir,

Foreign department. I HAVE the honour to acknowledge the receipt of your officiating secretary's Despatch, No. 1258, dated the 5th instant, describing the measures taken by you for taxing the mercantile classes in Oudh, on a system similar to that which has been generally adopted in the Punjab.

2. In reply I am directed to acquaint you that the Governor General highly commends the admirable care and judgment with which this measure has been carried out.

3. His Excellency begs you to accept his thanks for yourself, and to convey them to the officers who have aided you, especially Colonel Abbott, Mr. Carnegy, and Captain Reid.

4. The success with which the difficult experiment of lump assessment has been applied, and the fact that a direct tax, entirely new in character, and to the extent of 11¼ lakhs, has been already in part levied from half a million of tax-payers without a murmur, and without any show of force, following closely upon considerable reduction in the military and police force of the province, is in the highest degree creditable to the administration of Oudh.

5. The Governor General sees with great pleasure the use which you have successfully made of the talookdars in this matter. This early practical proof of the great public benefit and security to be derived from associating the higher classes of the landholders with the Government in civil administration is very satisfactory, especially when it is found that their aid is felt not only in relieving the Government officers from labour of detail, but in guarding against an undue share of the burden of the tax being placed upon the poorer classes.

I have, &c.

(signed) *C. Beadon,*

Secretary to the Government of India, with the Governor General.

Extract.—Political Department.

The Secretary of State for India to the Governor General of India in Council ; dated 31 August 1860, No. 68.

4. THE result of the experiment to levy new taxes in the Punjab appears to have encouraged your Excellency to adopt similar measures in Oudh. On receiving your instructions, abandoning the idea of increasing the octroi duties in the manner adopted in the Punjab, Mr. Wingfield determined, after communication with the several district Commissioners, to raise the required revenue by direct taxation upon estimated profits of trade, at the rate of three per cent. on the incomes of the non-agricultural classes. The tax was to be levied by a system of contribution assessed upon towns and villages, the aggregate amount being determined by the district officers and the several quotas fixed by the people themselves.

5. The distribution and collection of the tax was entrusted to the tehseldars and other subordinate officers, mainly to the talookhdars, within the limits of their several estates; and in the towns to the chowdries of the several trades. Except in the city of Lucknow, no great difficulties appear to have opposed themselves to the successful carrying out of this measure, and even in that city the discontent seems rapidly to have subsided. The increased revenue, expected to be raised in this manner, is stated to be 11¼ lakhs of rupees. Considering the depressed

depressed condition of the trade of the province, naturally resulting from the anarchy and confusion of the two preceding years, I concur in opinion with the Chief Commissioner that it would have been inexpedient to attempt to raise a larger amount.

6. The "admirable care and judgment with which this measure has been carried out," by Mr. Wingfield and the several District Commissioners acting under him, have elicited from your Excellency a cordial expression of approbation, which Her Majesty's Government believe to be well deserved; and they participate in the gratification with which you regard the important fact that a tax yielding so considerable an amount has been "assessed under a new method, distributed over above 500,000 taxpayers, and partially collected without a murmur." It is an additional source of satisfaction that the agency of the talookdars has been turned to beneficial account in the assessment and collection of the new tax; for although there was naturally no repugnance upon their part to aid in the taxation of the non-agricultural classes, we may assume from the fact that no complaints were made in the talookhas that the taxation was justly assessed and fairly distributed.

The Government of India to the Secretary of State for India; dated 22 March, No. 27 of 1861.

With reference to the Governor General's Despatch, No. 38, dated the 17th April 1860, we have the honour to forward for your information, a copy of further correspondence* on the subject of the trade tax levied in the province of Oudh.

We have, &c.

(signed) *Canning.*
Hugh Rose.
H. B. E. Frere.
C. A. Beadon.
R. Napier.
S. Laing.

(No. 3999 of 1860.)

From *Charles Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to the Secretary to the Government of India, Foreign Department, with the Governor General; dated Lucknow, 20 November 1860.

Sir,

I have the honour, by desire of the Chief Commissioner, to submit, for the information of his Excellency the Governor General in Council, the statements alluded to in para. 20 of my report, No. 1258, dated 5th April last, showing the incidence of the trade tax lately levied in this province, and to make the following observations. Revenue.

2. The Chief Commissioner, premising that the statement does not show the incidence of the tax on the inhabitants of the city of Lucknow, for to have included the city would have disturbed the averages of the districts, and rendered them of little utility, would, in the first place, beg to offer the following observations.

3. The smallness of the average assessment per head on the whole province first

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* From Chief Commissioner of Oudh, dated 20 November 1860.
To " dated 10 December 1860.
From " dated 19 February 1861.
To " dated 12 March 1861.

first demands notice. It appears from this statement that the average rate which each one of the 4,42,952 individuals who have been taxed have been called on to pay is *Rs.* 1. 14. 5. The highest demand on any one individual, and he is a mahajun, has been 750 rupees, which, taking the tax to be a 3 per cent. tax, represents an income of 25,000 rupees per annum, or rather more than 2,000 rupees per mensem. The aggregate sum of 8,43,714 rupees paid by the 4,42,952 individuals, represents an aggregate income of 2,81,23,800 rupees, and an average income to each individual of *Rs.* 63. 7. 10.

4. It has, however, been ascertained that out of the total of 4,42,952 individuals taxed, 2,50,055 paid only one rupee. Deducting these, and the amount of their payments, we have a balance of 192,897 individuals paying a tax of 5,93,659 rupees. This represents an aggregate income of 1,97,88,633 rupees, and gives each individual an average income of only *Rs.* 102. 9. 4. per annum.

5. The Chief Commissioner cannot but think that these results show that the tax which has been imposed, while it has been very fairly productive, has been a moderate one. A writer in a late number of the "Quarterly Review" states, on the authority of Mr. Chadwick, treasurer of the borough of Salford, that the number of persons directly engaged in the various branches of the cotton trade in Lancashire, in 1859, was estimated at 400,000, and that their wages amounted to 10,653,000 *l.* per annum. Allowing for all the differences between the two countries, it may still perhaps be inferred that the tax is by no means heavy, which represents the aggregate income of a somewhat larger number of persons engaged in all manners of trades and employments of profit to be about one-fourth of the aggregate wages of the cotton spinners, &c., of Lancashire.

6. The variation in the proportion of tax to land revenue that will be observed in the several divisions and districts affords the best proof that the aggregate sum was fixed by no blind arithmetical process, but with regard to the numbers and means of the population liable to the tax, estimated in the manner that has been described in previous reports. The per-centage of tax on jumma is highest in the Khyrabad Division, which pays nearly 40,000 rupees tax more than any other, and this division is the most lightly assessed of any, and has suffered least from the insurrection. Relatively to land revenue, the tax falls 2 per cent. heavier on the Seetapoor than on the Hurdui district, and this result is conformable to expectation, for though the revenue assessment on these two districts is nearly equal, the latter contains many more towns and marts. In Mahomdee, however, the tax is nearly 6 per cent. higher on jumma than in Seetapoor, for the revenue demand on the Mahomdee district is the lightest of any. If the lightness or severity of the land revenue consists in Government taking a greater or less proportion of the rental, it follows that the incomes of the non-agricultural classes will not, up to a certain point, be affected thereby, and consequently that the tax should yield an equal return in districts lightly or heavily assessed; in which case, the per-centage of tax on land revenue must necessarily be higher in the former.

7. In the Mahomdee district, however, the low assessment is owing, not solely to the moderation of the Government demand, though that is remarkable, but also to much land having been thrown out of cultivation. It has, therefore, struck the Chief Commissioner that the per-centage of tax on jumma, which is 6 per cent. higher in this district than in Seetapoor, is too high, and indicates an undue pressure of taxation, and, in consultation with the Commissioner, he is convinced this is the case, and he has authorised reduction to the extent of 5,000 rupees.

8. To pursue the comparison further, the per-centage of tax on jumma is next highest in the Baraitch Division, which, after Khyrabad, is the most lightly assessed; in two of its districts, at least, viz., Gonda and Baraitch, the Lucknow Division bears the heaviest land revenue assessment of any, and Durriabad, in which the tax falls 2 per cent. heavier than on the other two districts of the division, is the lightest assessed among them. Roy Bareilly is notoriously the lightest assessed district of the Baiswarra division, and the incidence of the tax is in the proportion of 2 per cent. higher on the jumma of this district than on its two fellow ones.

9. It

9. It is also worthy of notice how very closely the number of taxpayers corresponds in the districts of the Lucknow and Baiswarra divisions, and in the Hurdui and Mahomdee districts belonging to the Khyrabad division. That it should be considerably higher in Fyzabad, the largest and most populous district in the province, is natural; but the Chief Commissioner cannot, he admits, so easily account for its being so much in excess in the Seetapore district, though some increase might have been looked for there too. There is no officer, however, whose proceedings evince more care and judgment than the Deputy Commissioner* of this district. Gonda, where the number of taxpayers is large, is also a populous district, but Baraich, where it is small, is thinly peopled.

* Captain E. Thompson.

10. In the district of Oonao, some persons have been rated at fractions of a rupee. This course is opposed to the explicit instructions of the Chief Commissioner, that no one should be taxed, who could not afford to pay a rupee, but it has followed from the act of the people themselves, and not of the authorities. The people sometimes found it more convenient to distribute the tax over several, though nominally one man only was assessed. The Chief Commissioner does not believe the practice has been general even in this district. It was a device we could not have foreseen, but which we can easily guard against in future.

11. It will be observed, that the "khandsay," or sugar manufacturers, are universally, wherever they are found, assessed higher than any other class, and properly so, for their profits are large. The highest sum assessed on any individual of this class, is 338 rupees, which represents an income of 11,300 rupees. The highest average is in the Mahomdee district, where sugar-cane is extensively grown, and from whence a large traffic in sugar is carried on with Shahjehanpore, Bareilly, Chundowse, &c. In this district, the class have been assessed at an average of *Rs.* 32. 9. 9. In both the Sultanpore and Pertabgurh districts, the average is 6 rupees. It is a fact worth noticing, that from the results shown in this statement, this is the only class of traders whose average incomes would make them, as a class, liable to the full, or 4 per cent. rate of duty under Act XXXII. 1860.

12. The small number of persons classed under the heading "Miscellaneous," is satisfactory, as showing that nearly all have been assessed with reference to the calling they follow. In the Mahomdee district, where this class is the most numerous and contributes most, the Chief Commissioner is given to understand that it is largely composed of cattle traders and owners of herds of cattle, who derive large profit from the sale of ghee, and are legitimate subjects of taxation.

13. The mahajuns, including bankers, money lenders, and shroffs, have been assessed at the second highest average, but their average is far below that of the "khandsay," and amounts only to *Rs.* 5. 2. 10. The highest sum assessed on any individual throughout the province has been assessed on a mahajun, and this is, 750 rupees. In some districts, as for instance those of Lucknow, Roy Bareilly, Pertabgurh, and Fyzabad, other classes have on an average been assessed higher; but in all those districts the only two classes which have attained an higher average, are the cloth merchants, and the thuttairas, or copper dealers and braziers. The highest average of the mahajun class is Seetapore where they have been assessed at an average of *Rs.* 10. 7. 11., and the lowest at Pertabgurh, where the average is only *Rs.* 3. 10. 4. This last is a purely agricultural district, and contains no towns of any size; it was to be expected, therefore, that in this district, the averages would generally be lower than elsewhere.

14. The difference between the relative numbers of classes one and two, viz., mahajuns and bunniahs, in several districts, is striking, and it must he accounted for by the difficulty of drawing the line of separation between the small mahajuns and the bunniah who lends money in the rural districts. In Pertabgurh and Baraich, there are probably very few persons entitled to be called mahajuns.

15. The cloth merchants stand next on the list, at an average of *Rs.* 4. 0. 1. They vary from *Rs.* 7. 9. 5. in Fyzabad, to *Rs.* 2. 8. 8. in Mahomdee and Baraich.

In the three districts of the Baiswarra division, their averages are *Rs.* 3. 1. 1., *Rs.* 3. 3. 3., and *Rs.* 3. 10. 5.

16. The thuttairas, or dealers in copper vessels, would appear as a class to have been assessed next highest at an average of *Rs.* 3. 15. 7. They vary from *Rs.* 5. 12. 11. in Roy Bareilly to *Rs.* 2. 3. 9. in Baraich. The highest sum assessed on any individual of the class was only 40 rupees. Theirs is a thriving branch of trade.

17. Goldsmiths and hulwaiees or confectioners have both, on an average, been assessed higher than bunniahs or corn dealers. Their numbers are very much less, and their incomes are less fluctuating than those of bunniahs. For while the highest sum assessed on any individual of the goldsmith class has been only 30 rupees, and of the hulwaiees 18 rupees, in every district except Pertabgurh, some one bunniah has been assessed at more than 30 rupees, while in Gonda the highest is 213 rupees.

18. Bunniahs, however, contribute the largest amount to the tax, and this was to have been expected. They also form, next to weavers, &c., (class 15) the most numerous class of taxpayers, and their profits are the most varying of any, for they depend mainly on the place where they carry on their trade. The bunniah of a remote hamlet perhaps scarcely makes a living, while the bunniah of a country town is often a petty capitalist. A goldsmith's is a poor trade except in large cities, country goldsmiths are mere workers in gold and silver. The metals must be furnished to them.

19. Tobacco dealers, betel leaf sellers included (class 8), appear few in number. The general average on this class is only *Rs.* 1. 10. 6., and in but one district does it rise as high as *Rs.* 2. 8. The Chief Commissioner believes the explanation to be, that in the country but very few persons deal exclusively in tobacco. The trade in that article is insufficient to permit a livelihood, and confectioners, druggists, add bunniahs, and the retail sale of tobacco to their regular line of business.

20. The high rates at which cart-owners have, in some districts, been assessed, is attributable to the thriving trade they are at present pursuing, in consequence of the large demand for carriage of building materials in the several military cantonments.

21. The Chief Commissioner would here observe, that the near approximation of the district averages on the several classes is very remarkable, and may be taken as a proof that the tax has, on the whole, been fairly distributed. The average rate on artisans (class 12) comes out very equally in all districts. In one district only does it amount to 2 rupees. The same may be said of classes 14, 15, 16, 17. In no district does the average on the last named class equal 2 rupees. It is worthy of remark, that these five classes make up more than half the taxpayers of the province, and their contribution to the tax amounts to 3,18,187 rupees. There is not more than 3 annas difference in the average rate on any of them, while the rate on the three first is about identical, and the average rate on all five amounts to *Rs.* 1. 6. 5. The Chief Commissioner considers that no inference can be drawn from the highest rate of assessment on an individual of any class. Among the classes properly reckoned as the poorest, there are always some few who carry on an extensive business of a wholesale nature, and reap large returns; such persons are especially found in the vicinity of large military stations.

22. It was not to be expected that an entirely new tax could have been rapidly assessed on 4½ lacs of taxpayers without inequalities in its incidence, and without giving some persons reasonable ground of discontent. And it must be borne in mind, that rapidity was an essential condition of success. Had we delayed carrying out the measure in the hopes of attaining greater perfection in detail, our difficulties would have vastly increased, and so would popular discontent; for the people would have contrasted their condition with that of the population of the North Western Provinces, who they knew were not being subjected to a similar measure, and did not believe they would be.

23. The

23. The Chief Commissioner is quite prepared to admit that there have been some imperfections in the execution of the measure. He is inclined to think that, as a general rule (and speaking of the districts only), no individual has been taxed too high; but that we have made somewhat too wide a cast of the net, and have drawn some within the range of taxation who ought not to have come within it. In some districts, he thinks, persons have been taxed who cannot strictly be said to exercise trades or dealings; but the tax on these persons, wherever it has not been paid, has been remitted; and where it is found, on examination of these tables, that the classes, which are notoriously the most thriving, have as a rule been assessed at higher rates than those engaged in less profitable employments, and that the rates on the several classes very nearly approximate to each other in different districts, there is good ground for the presumption that the tax has been fairly distributed. Of one thing the Chief Commissioner is convinced, that no scheme of taxation could have been less burdensome in amount, less annoying in the mode of enforcement, or have caused less dissatisfaction.

24. In short, the Chief Commissioner thinks the analysis he has made of these returns satisfactory; and the conclusion he draws from it is, that the income and license taxes combined will not prove so productive in Oudh as the local scheme of taxation has been, although the larger incomes will be assessed at a higher rate under the former Act. He thinks that where the license tax joins on to the income tax an opening is left, through which much revenue will escape. Many traders, whose profits vary between 200 and 300 rupees, will not return them to the income tax at all, and all the vigilance of assessors cannot prevent this. Such persons can only be made liable under the first class of the License Bill. The Chief Commissioner is therefore of opinion, that the highest rate under that Bill should be 4 rupees, or profits from 150 to 300 rupees per annum will evade their due share of taxation. Again, arguing from the facts adduced in this report, the Chief Commissioner thinks that the gradations in the License Bill are too abrupt, and that there should be a class rated at *Rs.* 1. 8. He has shown that the average rate of taxation on the five classes that comprise considerably more than half the taxpayers in Oudh is, *Rs.* 1. 6. 5. per head. If we were obliged to place these men under class 2 or 3 of the Bill, probably four-fifths would be ranked in the lower class; but if there were an intermediate class at *Rs.* 1. 8., we could place at least half of the above four-fifths in it. The difference would be of importance.

25. The Chief Commissioner also comes to the conclusion, that in rural districts, like those of Oudh, it is the license tax modified in the manner he proposes, and not the income tax, that will be the productive impost. The former only can reach the masses, and a tax to draw must reach them. In the North Western Provinces, where there are numerous large towns, marts, and bazaars, the income tax, under Act XXXII. of 1860, will doubtless yield more than it can do at present in Oudh; and in Oudh it would become productive in proportion as trade revives, and material wealth increases under a settled Government. The natural resources of Oudh are, perhaps, greater than those of most districts of the North Western Provinces; but the want of communications, which there seems little prospect of remedying in the present state of the finances, must retard their development and check the growth of trade, and places Oudh at a great disadvantage with the North Western Provinces. For the next five years, therefore, the Chief Commissioner can expect but a slight return from the income tax, under Act XXXII. of 1860, in Oudh.

26. The Chief Commissioner would further draw his Excellency's attention to the exceeding small cost at which this tax has been assessed, distributed, and collected. In my letter, No. 2436, dated 29th June last, the sanction of his Excellency to the extra expenditure incurred up to that time was solicited. It then amounted to *Rs.* 6,787. 4. 11., and an extra establishment, at a total cost of 1,094 rupees per mensem, was applied for till the end of the year, and sanctioned. The Chief Commissioner is aware that in some districts, owing to the collections having been completed, this extra establishment has been dismissed; but even supposing that it had been entertained till the end of the year, the

total cost would only have amounted to 13,351 rupees, or a little more than one per cent. of the proceeds of the tax. In the above sum is included all extra expenses incurred on account of the introduction of Act XXXII. 1860, up to this time. For this extremely small sum, registers of the greatest value for the purposes of both the income tax and the proposed License Act have been prepared. A sum of 11,43,714 rupees has been assessed, and distributed over 500,000 taxpayers.

27. The Chief Commissioner defers treating of the ease and absence of coercive measures which have marked the collection of this tax, till he can support his assertions on this head with convincing statistics, which he will shortly submit. He knows that measures of duress have scarcely ever been resorted to by the Government officials; but as the larger proportion of the tax has been collected by the landholders, he waits to know if they have ever been accused, and with reason, of harshness or severity in its realisation. He is convinced they are not open to this charge, but he wishes to convince others. He is equally satisfied that there has been little or no exaction on the part of the collectors of the tax.

28. There are one or two points on which the Chief Commissioner would have dwelt, could he have waited for further information, but he thinks this return will be of some interest to Government, while the scheme of a License Bill on trades and dealings is under discussion, and, therefore, he avoids delaying its submission. The complete returns only reached him a few days ago.

I have, &c.

(signed) *Charles Currie*,
Officiating Secretary to the
Chief Commissioner of Oudh.

Trades Tax Collections in the several Districts of *Oudh* to the end of September 1860.

Divisions.	Districts.	Amount of Assessment.	First Instalment.			Second Instalment.		
			Demand.	Collections.	Balance.	Demand.	Collections.	Balance.
		Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Lucknow	Lucknow City	3,00,000 – –	1,50,000 – –	1,50,000 – –	– – –	1,50,000 – –	87,992 8 –	62,007 8 –
	Lucknow Mofussil	61,991 – –	30,995 8 –	30,995 8 –	– – –	30,995 8 –	30,995 8 –	– – –
	Oonao	65,485 – –	32,742 8 –	32,295 1 6	447 6 6	32,742 8 –	– – –	32,742 8 –
	Durriabad	74,122 – –	37,061 – –	37,061 – –	– – –	37,061 – –	36,100 3 –	960 13 –
Baiswara	Roy Bareilly	76,046 – –	38,023 – –	38,023 – –	– – –	38,023 – –	38,023 – –	– – –
	Sultanpore	59,904 – –	29,952 – –	29,952 – –	– – –	29,952 – –	2,487 10 6	27,464 5 6
	Pertabgurh	55,237 2 6	27,619 – –	27,619 – –	– – –	27,618 2 6	27,361 10 2	256 8 4
Khyrabad	Seetapore	92,677 3 –	46,338 9 6	46,202 9 6	136 – –	46,338 9 6	38,653 6 2	7,685 3 4
	Hurdui	74,947 14 –	37,473 15 –	37,473 15 –	– – –	37,473 15 –	7,285 14 –	30,188 1 –
	Mahomdee	75,022 6 –	37,507 5 –	37,507 5 –	– – –	37,515 1 –	1,740 7 –	35,774 10 –
Baraich	Fyzabad	93,832 – –	46,916 – –	41,380 3 9	5,535 12 3	46,916 – –	5,395 8 6	41,520 7 6
	Gondah	70,882 – –	35,441 – –	33,134 6 –	2,306 10 –	35,441 – –	4,316 4 –	31,124 12 –
	Baraich	42,246 – –	21,123 – –	19,761 3 –	1,361 13 –	21,123 – –	37 8 –	21,085 8 –
	Total Rupees	11,42,392 9 6	5,71,192 13 6	5,61,405 3 9	9,787 9 9	5,71,199 12 –	2,80,389 7 4	2,90,810 4 8

(signed) *Charles Currie*,
Officiating Secretary to Chief Commissioner, Oudh.

STATEMENT showing the DISTRIBUTION of the TRADE TAX on the several Classes of TRADERS in the Province of *Oudh*.

LUCKNOW DIVISION.

		LUCKNOW DISTRICT. Jumma - - *Rs.* 9,00,650. 6·88 per cent. Inhabited Mouzahs - - 1,667. Houses - 1,03,101 - 9 *a.* 7 *p.* per house.				OONAO DISTRICT. Jumma - - *Rs.* 10,35,014. 6·32 per cent. Inhabited Mouzahs - - 1,190. Houses - 1,04,798 - 9 *a.* 11 *p.* per house.				DURRIABAD DISTRICT. Jumma - - *Rs.* 8,55,614. 8·60 per cent. Inhabited Mouzahs - - 2,181. Houses - 1,31,399 - 8 *a.* 11 *p.* per house.				TOTAL OF LUCKNOW DIVISION. Jumma - - *Rs.* 27,91,278. 7·20 per cent. Inhabited Mouzahs - - 5,038. Houses - 3,29,298 - 9 *a.* 5 *p.* per house.			
		Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
			Rs. a. p.	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs. a.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*
1	Mahajuns, including bankers, money lenders, and shroffs.	869	4,560 – –	5 3 11	90	2,048	9,920 4 9	4 13 6	750 –	607	3,360 – –	5 8 5	125	3,524	17,840 4 9	5 1 –	750
2	Bunniahs, including bhoojwas, punsarees, corndealers, and culwars.	4,977	13,193 – –	2 10 4	30	3,933	10,577 1 3	2 11 –	80 –	4,836	11,862 – –	2 7 2	75	13,746	35,632 1 3	2 9 5	80
3	Khandsaz - - - - - - -	32	544 – –	17 – –	93	—	—	—	—	212	3,762 – –	17 11 11	125	244	4,306 – –	17 10 4	125
4	Cloth merchants, sowdagurs and biswatees	442	1,740 – –	3 14 11	41	565	1,677 9 6	2 15 6	30	750	4,065 – –	5 6 8	240	1,757	7,482 9 6	4 4 1	240
5	Thuttairas, or copper dealers and braziers -	123	706 – –	5 11 11	24	43	136 3 –	3 2 8	7 8	157	762 – –	4 13 7	40	323	1,604 3 –	4 15 5	40
6	Goldsmiths and putwas - - - - -	397	1,067 – –	2 11 –	15	499	1,329 2 –	2 10 7	15 –	605	1,650 – –	2 11 7	12	1,501	4,046 2 –	2 11 1	15
7	Hulwaiees, including confectioners and sweetmeat sellers.	412	1,369 – –	3 5 2	30	386	1,203 10 9	3 1 7	20 –	420	1,322 – –	3 3 –	28	1,218	3,894 10 9	3 3 2	30
8	Tobacco sellers, including tumbolies and betel-leaf sellers.	749	1,279 – –	1 11 3	10	432	678 12 6	1 9 1	7 8	782	1,495 – –	1 14 5	18	1,963	3,452 12 6	1 12 –	18
9	Oilmen, including telees, mesalchees -	1,917	3,449 – –	1 12 9	14	2,104	4,400 4 3	2 1 5	10 –	2,766	4,721 – –	1 11 7	40	6,787	12,570 4 3	1 13 7	40
10	Greengrocers, including fruit sellers, gardeners, moraies, and koonjras.	810	1,127 – –	1 6 3	18	914	1,405 10 6	1 8 7	12 –	609	831 – –	1 5 10	6	2,333	3,363 10 6	1 7 –	18
11	Dhobees - - - - - - -	1,231	1,419 – –	1 2 5	7	1,272	1,365 15 3	1 1 2	7 –	757	869 – –	1 2 4	5	3,260	3,653 15 3	1 2 –	7
12	Artisans, including carpenters, blacksmiths, ironsmiths, masons, sikligurhs, kunmugurs, nalbunds, munnihars, rungsaz, tubluksaz, kullygurh, and kunchgur.	2,231	3,254 – –	1 7 4	6	2,505	3,899 8 –	1 9 11	20 –	2,273	3,123 – –	1 7 –	12	7,009	10,276 8 –	1 7 6	20
13	Potters, koomhars, and brickmakers -	721	898 – –	1 3 11	5	769	785 15 6	1 – 4	4 –	538	589 – –	1 1 6	4	2,028	2,272 15 6	1 1 10	5
14	Provisioners, butchers, bakers, pig dealers, sheep feeders, and ghosees or ghee manufacturers.	6,044	8,609 – –	1 6 8	32	2,909	5,042 1 3	1 11 8	11 8	2,313	3,811 – –	1 10 4	37	11,266	17,462 1 3	1 8 10	37
15	Weavers, ruffoogurs, joulahas, kolees, cheepees, dyers, dhoonias, and cotton dealers	3,944	5,465 – –	1 6 2	11	4,924	7,485 8 9	1 8 4	15 –	7,540	18,362 – –	2 6 11	15	16,408	31,312 8 9	1 14 6	15
16	Dealers in leather, mochis, shoemakers, and chamars.	1,759	2,248 – –	1 4 3	5	1,940	2,860 11 6	1 7 7	7 8	1,412	1,746 – –	1 3 9	125	5,111	6,854 11 6	1 5 4	125
17	Servants, barbers, tailors, kohars, bhisties, coolies, grasscutters, and sweepers.	4,381	5,617 – –	1 4 6	7	7,407	7,203 15 3	– 15 8	6 –	3,810	4,730 – –	1 3 10	12	15,598	17,550 15 3	1 2 –	12
18	Manufacturers, paper-makers, tent-makers, basket-makers, numdasaz.	48	78 – –	1 10 –	7	2	3 – –	1 8 –	1 8	92	120 – –	1 4 10	6	142	201 – –	1 7 –	7
19	Dancing women, songsters, dancers, bajawalas, fiddlers, bhats, and beggars.	515	969 – –	1 14 1	24	129	210 5 –	1 10 1	15 –	494	789 – –	1 9 6	9	1,138	1,968 5 –	1 11 8	24
20	Carters, camel-drivers, donkey-men - -	1,045	3,543 – –	3 1 8	15	513	1,362 14 9	2 10 5	12 –	217	519 – –	2 6 3	6	1,775	5,424 14 9	3 – 11	15
21	Saltpetre manufacturers, firework-makers -	75	133 – –	1 12 4	3	152	417 3 3	2 11 10	100 –	208	288 – –	1 6 11	5	435	838 3 3	1 14 9	100
22	Mullahs, kishtiwalas - - - - -	94	148 – –	1 9 2	10	9	34 4 –	3 12 8	12 –	57	99 – –	1 11 9	22	160	281 4 –	1 12 1	22
23	Fowlers, shikaris - - - - -	38	38 – –	1 – –	1	31	31 9 –	1 – 3	1 4	61	79 – –	1 4 4	3	130	148 9 –	1 2 2	3
24	Firewood dealers and talwalas - - -	23	56 – –	2 6 11	8	8	12 12 –	1 9 6	3 –	6	10 – –	1 10 8	3	37	78 12 –	2 2 –	8
25	Baid, hakeems, uttar, and gundhee - -	24	41 – –	1 11 4	3	6	7 3 3	1 3 2	1 13	13	37 – –	2 13 6	10	43	85 3 3	1 15 8	10
26	Miscellaneous - - - - - - -	310	441 – –	1 6 9	10	2,063	3,433 6 9	1 10 7	75 –	1,939	4,641 – –	2 6 2	65	4,312	8,515 6 9	1 15 7	75
	TOTAL - - -	33,211	61,991 – –	1 13 10	93	35,563	65,485 – –	1 13 5	750 –	33,474	73,642 – –	2 3 2	240	1,02,248	2,01,118 – –	1 15 5	750

STATEMENT showing the DISTRIBUTION of the TRADE TAX on the several Classes of TRADERS in the Province of *Oudh*—continued.

BAISWARA DIVISION.

		ROY BAREILLY DISTRICT. Jumma - - *Rs.* 8,32,712. 9·15 per cent. Inhabited Mouzahs - - 1,572. Houses - 97,068 - 12 *a.* 6 *p.* per house.				SULTANPORE DISTRICT. Jumma - - *Rs.* 8,29,115. 7·60 per cent. Inhabited Mouzahs - - 2,639. Houses.				PERTABGURH DISTRICT. Jumma - - *Rs.* 8,51,585. 6·69 per cent. Inhabited Mouzahs - - 3,790. Houses - 1,26,749. - 7*a.* 2*p.* per house.				TOTAL OF BAISWARA DIVISION. Jumma - - *Rs.* 25,13,412. 7·80 per cent. Inhabited Mouzahs - - 7,992. Houses.			
		Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
			Rs. a. p.	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*
1	Mahajuns, including bankers, money lenders, and shroffs.	2,387	11,490 – –	4 13 –	175	2,703	13,576 – –	5 – 4	200	2,182	7,958 – –	3 10 4	200	7,272	33,024 – –	4 4 8	200
2	Bunniahs, including bhoojwas, punsarees, corndealers, and culwars.	3,789	9,807 – –	2 9 5	48	6,751	11,699 – –	1 11 9	48	6,546	13,545 – –	2 1 1	24	17,086	35,051 – –	2 – 9	48
3	Khandsaz	—	—	—	—	1	6 – –	6 – –	6	2	12 – –	6 – –	11	3	18 – –	6 – –	11
4	Cloth merchants, sowdagurs, and biswatees	727	2,231 – –	3 1 1	19	401	1,284 – –	3 3 3	15	330	1,205 – –	3 10 5	83	1,458	4,720 – –	3 3 9	83
5	Thuttairas, or copper dealers and braziers	115	668 – –	5 12 11	13	136	585 – –	4 4 10	28	101	310 – –	3 1 1	19	352	1,563 – –	4 7 1	28
6	Goldsmiths and putwas	685	1,950 – –	2 13 7	21	640	1,817 – –	2 13 5	10	450	1,264 – –	2 12 11	18	1,775	5,031 – –	2 13 4	21
7	Hulwaiees, including confectioners and sweetmeat sellers.	289	830 – –	2 13 11	12	196	410 – –	2 1 6	6	173	440 – –	2 8 8	12	658	1,680 – –	2 8 10	12
8	Tobacco sellers, including tumbolies and betel-leaf sellers.	723	1,269 – –	1 12 1	12	1,175	1,610 – –	1 5 11	9	603	826 – –	1 5 11	17	2,501	3,705 – –	1 7 8	17
9	Oilmen, including telees, mesalchees	2,175	4,925 – –	2 4 3	20	1,809	2,369 – –	1 4 11	12	1,791	2,920 – –	1 10 1	9	5,775	10,214 – –	1 12 2	20
10	Greengrocers, including fruit sellers, gardeners, moraies, and koonjras.	588	937 – –	1 9 6	6	179	279 – –	1 9 –	6	558	853 – –	1 8 7	30	1,325	2,074 – –	1 9 1	30
11	Dhobees	1,182	1,602 – –	1 5 8	6	1,231	1,286 – –	1 – 9	3	709	803 – –	1 2 1	9	3,122	3,691 – –	1 2 11	9
12	Artisans, including carpenters, blacksmiths, ironsmiths, masons, sikhligurs, kunmugurs, nalbunds, munnihars, rungsaz, tubluksaz, kullygurh, and kunchgur.	2,848	5,053 – –	1 12 4	12	2,912	6,396 – –	2 3 2	6	1,608	2,024 – –	1 4 2	8	7,368	13,473 – –	1 13 3	12
13	Potters, koombars, and brickmakers	785	1,067 – –	1 5 9	6	1,257	1,329 – –	1 – 11	4	592	685 – –	1 2 6	5	2,634	3,081 – –	1 2 8	6
14	Provisioners, butchers, bakers, pig-dealers, sheep-feeders, and ghosees or ghee manufacturers.	4,273	7,250 – –	1 11 2	18	3,505	4,311 – –	1 3 8	16	7,214	9,150 – –	1 4 3	24	14,992	20,711 – –	1 6 1	24
15	Weavers, ruffoogurs, joulahas, kolees, cheepees, dyers, dhoonias, and cotton dealers.	5,174	9,256 – –	1 12 7	15	6,723	7,544 – –	1 1 11	19	4,862	6,357 – –	1 4 11	20	16,759	23,157 – –	1 6 1	20
16	Dealers in leather, mochis, shoemakers, and chamars.	2,863	4,405 – –	1 8 8	7	1,782	1,802 – –	1 – 2	15	1,463	1,739 – –	1 3 –	11	6,108	7,946 – –	1 4 9	15
17	Servants, barbers, tailors, kohars, bhisties, coolies, grasscutters, and sweepers.	4,465	6,268 – –	1 6 6	6	4,649	4,996 – –	1 1 2	4	2,370	2,737 – –	1 2 6	15	11,484	14,001 – –	1 3 6	15
18	Manufacturers, paper-makers, tent-makers, basket-makers, numdasaz.	3	7 – –	2 5 4	5	182	194 – –	1 1 1	4	47	50 – –	1 1 –	2	232	251 – –	1 1 4	5
19	Dancing women, songsters, dancers, bajawalas, fiddlers, bhats, and beggars.	1,668	3,825 – –	2 5 8	21	156	398 – –	2 8 9	12	332	625 – –	1 14 –	12	2,156	4,844 – –	2 3 11	21
20	Carters, camel-drivers, donkey-men	507	2,575 – –	5 1 3	14	12	13 – –	1 1 4	2	11	30 – –	2 11 8	4	530	2,618 – –	4 15 –	14
21	Saltpetre manufacturers, firework-makers	11	51 – –	4 10 2	30	129	150 – –	1 2 8	2	126	364 – –	2 14 3	150	266	565 – –	2 2 –	150
22	Mullahs, kishtiwallas	58	110 – –	1 14 4	16	202	210 – –	1 – 7	2	72	98 – –	1 5 9	5	332	418 – –	1 4 1	16
23	Fowlers, shikaris	10	22 – –	2 3 2	6	5	5 – –	1 – –	1	1	1 – –	1 – –	1	16	28 – –	1 12 –	6
24	irewood-dealers and talwalas	101	223 – –	2 3 4	6	4	4 – –	1 – –	1	6	13 – –	2 2 6	4	111	240 – –	2 2 7	6
25	Faid, hakeems, uttar, and gundhee	79	171 – –	2 2 8	10	14	21 – –	1 8 –	2	27	39 – –	1 7 1	5	120	231 – –	1 14 9	10
26	Biscellaneous	159	230 – –	1 7 2	3	458	765 – –	1 10 9	18	1,799	2,966 – –	1 10 5	46	2,416	3,961 – –	1 1 3	46
	TOTAL	35,664	76,218 – –	2 2 2	175	37,212	63,059 – –	1 11 1	200	33,975	57,019 – –	1 10 10	200	1,06,851	1,96,296 – –	1 13 5	200

STATEMENT showing the DISTRIBUTION of the TRADE TAX on the several Classes of TRADERS in the Province of *Oudh* – continued.

KHYRABAD DIVISION.

		SEETAPORE DISTRICT. Jumma - - *Rs.* 940,658. 9·77 per cent. Inhabited Mouzahs - - 4,201. Houses - 1,19,684 - 12*a.* 3*p.* per house.				HURDUI DISTRICT. Jumma - - *Rs.* 10,24,191. 7·31 per cent. Inhabited Mouzahs - - 1,214. Houses - 1,00,202 - 11*a.* 11*p.* per house.				MAHUMDEE DISTRICT. Jumma - - *Rs.* 4,76,278. 15·75 per cent. Inhabited Mouzahs - - 2,330. Houses - 90,398 - 13*a.* 3*p.* per house.				TOTAL OF KHYRABAD DIVISION. Jumma - - *Rs.* 24,41,127. 9·91 per cent. Inhabited Mouzahs - - 7,745. Houses - 3,10,284 - 12*a.* 5*p.* per house.			
		Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
			Rs. a. p.	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs. a.*		*Rs. a. p.*	*Rs. a. p.*	*Rs. a.*
1	Mahajuns, including bankers, money lenders, and shroffs.	852	8,940 – –	10 7 11	250	1,332	8,824 4 –	6 9 11	174	723	4,005 12 –	5 8 7	150 –	2,907	21,770 – –	7 7 9	250 –
2	Bunniahs, including bhoojwas, punsarees, corndealers, and culwars.	2,866	7,513 – –	2 9 6	73	5,425	17,102 11 –	3 2 5	82	4,449	11,264 8 6	2 8 6	75 –	12,760	35,580 3 6	2 12 11	82 –
3	Khandsaz - - - - - - -	99	2,866 8 –	22 14 3	110	30	451 – –	15 – 6	16	126	4,108 15 6	32 9 9	338 –	255	6,826 7 6	26 12 3	338 –
4	Cloth merchants, soudagurs, and biswatees-	889	4,392 – –	4 15 –	48	917	3,404 8 –	3 11 4	20	646	1,642 14 9	2 8 8	12 –	2,452	9,439 6 9	3 11 4	48 –
5	Thuttairas, or copper dealers and braziers -	98	352 – –	3 9 6	15	75	288 12 –	3 13 7	4	100	270 2 6	2 11 3	15 –	273	910 14 6	3 5 4	15 –
6	Goldsmiths and putwas - - - -	551	977 – –	1 11 3	18	511	1,385 14 –	2 11 4	13	443	1,003 15 3	2 4 3	13 12	1,505	3,366 13 3	2 3 9	18 –
7	Hulwaiees, including confectioners and sweetmeat sellers.	313	1,123 8 –	3 9 2	20	245	922 – –	3 12 2	17	270	724 15 –	2 10 11	25 –	828	2,770 7 –	3 5 6	25 –
8	Tobacco sellers, including tumbolies and betel leaf sellers.	892	2,262 12 –	2 8 1	16	553	937 12 –	1 11 1	10	393	611 8 –	1 8 10	8 –	1,838	3,812 – –	2 1 2	16 –
9	Oilmen, including telees, mesalchees - -	2,254	5,694 – –	2 8 5	11	1,461	4,357 – –	2 15 8	7	2,015	3,795 – –	1 14 1	15 8	5,730	13,846 – –	2 6 8	15 8
10	Greengrocers, including fruit sellers, gardeners, moraies, and koonjras.	2,308	2,472 12 –	1 1 2	5	443	690 4 –	1 8 11	11	354	592 6 9	1 10 9	8 –	3,105	3,755 6 9	1 3 4	11 –
11	Dhobees - - - - - - - -	- -	- - -	- - -	- -	934	1,301 3 –	1 6 3	5	1,271	1,967 13 6	1 14 –	11 –	2,205	3,269 6 –	1 5 2	11 –
12	Artisans, including carpenters, blacksmiths, ironsmiths, masons, sikhligurs, kunmugurs, nalbunds, munnihars, rungsaz, tubluksaz, kullygurh, and kunchgur.	3,250	3,350 – –	1 – 6	4	2,779	4,560 14 –	1 10 3	2	2,845	5,134 1 3	1 12 10	8 –	8,874	13,044 15 3	1 7 6	8 –
13	Potters, koomhars, and brickmakers -	849	881 – –	1 – 8	3	812	1,050 10 –	1 4 8	10	778	1,339 5 9	1 8 7	7 –	2,439	3,270 15 9	1 5 5	10 –
14	Provisioners, butchers, bakers, pig-dealers, sheep-feeders, and ghosees or ghee manufacturers.	9,915	16,197 1 –	1 10 2	22	5,951	9,181 14 –	1 8 8	6	3,181	5,704 1 –	1 12 8	10 –	19,047	31,083 – –	1 10 1	22 –
15	Weavers, ruffoogurs, joulahas, kolees, cheepees, dyers, dhoonias, and cotton-dealers.	6,949	8,032 – –	1 2 6	7	4,244	7,300 9 –	1 11 6	8	4,234	7,419 6 9	1 12 –	33 –	15,427	22,751 15 9	1 7 10	33 –
16	Dealers in leather, mochis, shoemakers, and chamars.	1,670	1,692 8 –	1 – 3	2	1,423	2,201 – –	1 8 8	17	1,324	2,892 5 3	2 2 11	16 –	4,417	6,785 13 3	1 8 6	17 –
17	Servants, barbers, tailors, kohars, bhisties, coolies, grasscutters, and sweepers.	2,274	2,327 6 –	1 – 5	8	3,279	4,545 8 –	1 6 2	7	4,118	6,319 14 6	1 8 6	11 –	9,671	13,192 12 6	1 5 9	11 –
18	Manufacturers, paper-makers, tent-makers, basket-makers, numdasaz.	38	121 – –	3 2 11	10	3	5 – –	1 10 8	3	81	121 10 –	1 8 –	4 –	122	247 10 –	2 – 5	10 –
19	Dancing women, songsters, dancers, bajawalas, fiddlers, bhats, and beggars.	590	2,691 – –	4 8 11	80	244	946 – –	3 14 –	24	234	545 – 3	2 5 2	26 –	1,068	4,182 – 3	3 14 7	80 –
20	Carters, camel-drivers, donkey-men - -	4,909	12,930 – –	2 10 2	18	1,088	2,675 4 –	2 7 4	6	364	976 6 –	2 10 10	35 –	6,361	16,581 10 –	2 9 8	35 –
21	Saltpetre manufacturers, firework-makers -	123	288 – –	2 5 5	5	322	843 8 –	2 9 10	9	305	498 1 –	1 10 1	7 –	750	1,629 9 –	2 2 9	9 –
22	Mullahs, kishtiwallas - - - - -	382	530 – –	1 6 3	11	21	43 8 –	2 1 1	5	63	105 8 –	1 10 9	5 –	466	679 – –	1 7 3	11 –
23	Fowlers, shikaris - - - - - -	8	11 – –	1 6 –	3	21	25 – –	1 3 –	2	66	109 4 –	1 4 3	4 –	115	145 4 –	1 4 1	4 –
24	Firewood-dealers and talwalas - - -	28	77 – –	2 12 –	6	68	121 12 –	1 12 7	3	188	401 8 –	2 2 1	5 8	284	600 4 –	2 1 9	6 –
25	Baid, hakeems, uttar, and gundbee - -	33	59 – –	1 12 7	4	35	78 – –	2 3 7	6	46	86 12 –	1 13 11	8 –	114	223 12 –	1 7 11	8 –
26	Miscellaneous - - - - - -	989	6,871 12 –	6 15 2	60	1,072	1,703 15 –	1 9 5	10	7,041	13,381 2 6	1 14 4	100 –	9,102	21,956 13 6	2 4 10	100 –
	TOTAL - - -	43,149	92,052 3 –	2 2 2	250	33,288	74,947 10 –	2 4 –	174	35,678	75,022 6 –	2 1 7	338 –	1,12,115	2,42,022 3 –	2 2 6	338 –

STATEMENT showing the DISTRIBUTION of the TRADE TAX on the several Classes of TRADERS in the Province of *Oudh*—continued.

BARAICH DIVISION.

		FYZABAD DISTRICT. Jumma - - *Rs.* 11,17,910. 8·17 per cent. Inhabited Mouzahs - - 5,479. Houses				GONDA DISTRICT. Jumma - - *Rs.* 9,11,293. 7·67 per cent. Inhabited Mouzahs - - Houses				BARAICH DISTRICT. Jumma - - *Rs.* 5,51,295. 7·78 per cent. Inhabited Monzahs - - 3,569. Houses - -				TOTAL OF BARAICH DIVISION. Jumma - *Rs.* 25,80,498. 7·91 per cent. Inhabited Mouzahs - - Houses			
		Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
			Rs. a. p.	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*
1	Mahajuns, including bankers, money lenders, and shroffs.	2,857	13,658 8 –	4 12 5	175	558	3,047 – –	5 7 4	82	498	1,948 – –	3 14 7	66	3,913	18,653 8 –	4 12 3	175
2	Bunniahs, including bhoojwas, punsarees, corndealers, and culwars.	7,525	16,687 – –	2 3 5	150	7,231	15,053 – –	2 1 4	213	7,024	12,418 – –	1 12 3	60	21,780	44,158 – –	2 – 5	213
3	Khandsaz - - - - - - -	121	1,192 8 –	9 13 8	60	9	115 – –	12 12 5	34	—	—	—	—	130	1,307 8 –	10 – 11	60
4	Cloth merchants, soudagurs, and biswatees	624	4,736 – –	7 9 5	187	767	2,884 – –	5 3 11	30	664	1,690 – –	2 8 8	19	2,055	9,310 – –	4 8 5	187
5	Thuttairas, or copper dealers and braziers -	305	1,551 8 –	5 1 4	24	258	707 – –	2 11 10	8	187	418 – –	2 3 9	12	750	2,676 8 –	3 9 1	24
6	Goldsmiths and putwas - - - - -	942	2,505 – –	2 10 6	13	670	1,524 – –	2 4 5	21	742	746 – –	1 – 1	5	2,354	4,775 – –	2 – 5	21
7	Hulwaiees, including confectioners and sweetmeat sellers.	492	1,201 8 –	2 7 –	15	213	614 – –	2 14 5	21	206	395 – –	1 14 8	11	911	2,210 8 –	2 6 9	21
8	Tobacco sellers, including tumbolies and betel-leaf sellers.	482	807 8 –	1 10 9	8	816	987 – –	1 3 4	6	474	611 – –	1 4 8	6	1,772	2,405 8 –	1 5 8	8
9	Oilmen, including telees and mesalchies -	1,642	3,370 – –	2 – 10	18	2,660	3,445 – –	1 8 8	4	1,785	2,212 – –	1 3 9	5	6,087	9,027 – –	1 7 8	18
10	Greengrocers, including fruit sellers, gardeners, moraies, and koonjras - -	515	904 8 –	1 12 1	6	817	950 – –	1 2 7	6	183	213 – –	1 2 7	3	1,515	2,067 8 –	1 5 10	6
11	Dhobees - - - - - - -	1,208	1,362 8 –	1 2 –	4	1,648	1,764 – –	1 1 1	4	865	920 – –	1 1 –	3	3,721	4,046 8 –	1 1 5	4
12	Artisans, including carpenters, blacksmiths, ironsmiths, masons, sikhligurs, kunmuguns, nalbunds, munnihars, rungsaz, tubluksaz, kullygurh, and kunchgur.	3,591	4,953 13 8	1 6 –	60	3,908	4,898 – –	1 4 1	8	2,469	2,837 – –	1 2 4	5	9,968	12,688 13 8	1 4 4	60
13	Potters, koombars, and brickmakers -	1,251	3,424 – –	2 11 9	75	1,360	1,573 – –	1 2 7	18	781	865 – –	1 1 8	3	3,392	5,862 – –	1 11 7	75
14	Provisioners, butchers, bakers, pig-dealers, sheep-feeders, and ghosees or ghee manufacturers.	2,189	2,960 – –	1 5 7	12	1,053	1,326 – –	1 4 1	6	4,295	5,080 – –	1 2 11	8	7,537	9,366 – –	1 3 10	12
15	Weavers, ruffoogurs, joulahas, kolees, cheepees, dyers, dhoonias, and cotton-dealers.	9,671	11,755 15 8	1 3 5	18	6,256	7,600 – –	1 3 5	7	5,320	6,117 – –	1 2 5	4	21,247	25,472 15 8	1 3 2	18
16	Dealers in leather, mochis, shoemakers, and chamars.	1,720	2,336 – –	1 5 7	15	1,070	1,466 – –	1 5 11	6	934	1,286 – –	1 6 –	5	3,724	5,088 – –	1 5 10	15
17	Servants, barbers, tailors, kohars, bhisties, coolies, grasscutters, and sweepers.	7,442	8,239 8 –	1 1 8	9	4,846	5,908 – –	1 3 6	6	1,333	1,819 – –	1 5 10	5	13,621	15,966 8 –	1 2 9	9
18	Manufacturers, paper-makers, tent-makers, basket makers, numdasaz.	224	308 – –	1 6 3	24	113	161 – –	1 6 10	2	740	925 – –	1 4 –	5	1,077	1,394 – –	1 4 8	24
19	Dancing women, songsters, dancers, bajawalas, fiddlers, bhats, and beggars.	425	1,712 – –	4 – 5	15	84	361 – –	4 4 9	18	195	371 – –	1 14 5	9	704	2,444 – –	3 7 6	18
20	Carters, camel-drivers, donkey-men - -	371	1,254 – –	3 6 –	32	5,038	9,444 – –	1 14 –	32	4	4 – –	1 – –	1	5,413	10,702 – –	1 15 7	32
21	Saltpetre manufacturers, firework-makers -	402	538 – –	1 5 4	12	54	105 – –	1 15 1	3	87	102 – –	1 2 9	2	543	745 – –	1 5 11	12
22	Mullahs, kishtiwalas - - - - -	906	1,868 – –	2 – 11	16	86	124 – –	1 6 8	4	179	439 – –	2 7 3	9	1,171	2,431 – –	2 1 2	16
23	Fowlers, shikaris - - - - - -	28	38 – –	1 5 8	3	1	1 – –	1 – –	1	12	14 – –	1 2 8	3	41	53 – –	1 4 8	3
24	Firewood-dealers and talwalas - -	40	99 – –	2 7 7	6	11	34 – –	3 1 5	8	9	15 – –	1 10 8	2	60	148 – –	2 7 5	8
25	Baid, hakeems, uttar, and gundhee -	41	162 8 –	3 15 4	18	1	2 – –	2 – –	2	17	19 – –	1 1 10	2	59	183 8 –	3 1 9	18
26	Miscellaneous - - - - - -	2,345	3,756 – –	1 9 7	30	4,598	5,883 – –	1 4 6	12	1,250	1,457 – –	1 2 8	9	8,193	11,096 – –	1 5 8	30
	TOTAL - - -	47,359	91,381 5 4	1 14 10	187	44,126	69,976 – –	1 9 4	213	30,253	42,921 – –	1 6 8	66	121,738	204,278 5 4	1 10 10	213

SUMMARY - - - - - - - - - -

		LUCKNOW DIVISION. Jumma - - Rs. 27,91,278 - 7·20 per cent. Inhabited Mouzahs - - 5,038. Houses - Rs. 3,39,298 - 9 a. 5 p. per house.				BAISWARRA DIVISION. Jumma - - Rs. 25,13,412 - 7·80 per cent. Inhabited Mouzahs - - 7,992. Houses.			
		Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
			Rs. a. p.	Rs. a. p.	Rs.		Rs. a. p.	Rs. a. p.	Rs.
1	Mahajuns, including bankers, money-lenders, and shroffs.	3,524	17,840 4 9	5 1 -	750	7,272	33,024 - -	4 4 8	200
2	Bunniahs, including bhoojwas, punsarees, corndealers, and culwars.	13,746	35,632 1 3	2 9 5	80	17,086	35,051 - -	2 - 9	48
3	Khandsaz - - - - - -	244	4,306 - -	17 10 4	125	3	18 - -	6 - -	11
4	Cloth merchants, soudagurs, and biswatees.	1,757	7,482 9 6	4 4 1	240	1,458	4,720 - -	3 3 9	83
5	Thuttairas, or copper dealers and braziers.	323	1,604 3 -	4 15 5	40	352	1,563 - -	4 7 1	28
6	Goldsmiths and putwas - - -	1,501	4,046 2 -	2 11 1	15	1,775	5,031 - -	2 13 4	21
7	Hulwaiees, including confectioners and sweetmeat sellers.	1,218	3,894 10 9	3 3 2	30	658	1,680 - -	2 8 10	12
8	Tobacco sellers, including tumbolies and betel-leaf sellers.	1,963	3,452 12 6	1 12 -	18	2,501	3,705 - -	1 7 8	17
9	Oilmen, including telees, mesalchees -	6,787	12,570 4 3	1 13 7	40	5,775	10,214 - -	1 12 2	20
10	Greengrocers, including fruitsellers, gardeners, moraies, and koonjras.	2,333	3,363 10 6	1 7 -	18	1,325	2,074 - -	1 9 1	30
11	Dhobees - - - - - - -	3,260	3,653 15 3	1 2 -	7	3,122	3,691 - -	1 2 11	9
12	Artisans, including carpenters, blacksmiths, ironsmiths, masons, sikhligurs, kunmugurs, nalbunds, munnihars, rungsaz, tubluksaz, kullygurh, and kunchgurh.	7,009	10,276 8 -	1 7 6	20	7,368	13,473 - -	1 13 3	12
13	Potters, koomhars, and brickmakers -	2,028	2,272 15 6	1 1 10	5	2,634	3,081 - -	1 2 8	6
14	Provisioners, butchers, bakers, pig-dealers, sheep feeders, and ghosees or ghee manufacturers.	11,266	17,462 1 3	1 8 10	37	14,992	20,711 - -	1 6 1	24
15	Weavers, ruffoogurs, joulahas, kolees, cheepees, dyers, dhoonias, and cotton-dealers.	16,408	31,312 8 9	1 14 6	15	16,759	23,157 - -	1 6 1	20
16	Dealers in leather, mochis, shoemakers, and chamars.	5,111	6,854 11 6	1 5 4	125	6,108	7,946 - -	1 4 9	15
17	Servants, barbers, tailors, kohars, bhisties, coolies, grasscutters, and sweepers.	15,598	17,550 15 3	1 2 -	12	11,484	14,001 - -	1 3 6	15
18	Manufacturers, paper-makers, tent-makers, basket-makers, numdasaz.	142	201 - -	1 7 -	7	232	251 - -	1 1 4	5
19	Dancing women, songsters, dancers, bajawalas, fiddlers, bhats, and beggars.	1,138	1,968 5 -	1 11 8	24	2,156	4,844 - -	2 3 11	21
20	Carters, camel-drivers, donkey-men -	1,775	5,424 14 9	3 - 11	15	530	2,618 - -	4 15 -	14
21	Saltpetre manufacturers, firework-makers	435	838 3 3	1 14 9	100	266	565 - -	2 2 -	150
22	Mullahs, kishtiwalas - - - -	160	281 4 -	1 12 1	22	332	418 - -	1 4 1	16
23	Fowlers, shikaris - - - - -	130	148 9 -	1 2 2	3	16	28 - -	1 12 -	6
24	Firewood-dealers, and talwalas - -	37	78 12 -	2 2 -	8	111	240 - -	2 2 7	6
25	Baid, hakeems, uttar and gundhee -	43	85 3 3	1 15 8	10	120	251 - -	1 14 9	10
26	Miscellaneous - - - - -	4,312	8,515 6 9	1 15 7	75	2,416	3,961 - -	1 1 3	46
	TOTAL - - -	1,02,248	2,01,118 - -	1 15 5	750	1,06 851	1,96,296 - -	1 13 5	200

- - - - - - - - - - SUMMARY.

KHYRABAD DIVISION. Jumma - - *Rs.* 24,41,127 9·91 per cent. Inhabited Mouzahs - - 7,745. Houses - *Rs.* 3,10,284. 12 *a.* 5 *p.* per house.				BARAICH DIVISION. Jumma - - *Rs.* 25,80,498 7·91 per cent. Inhabited Mouzahs Houses				GRAND TOTAL. Jumma - - *Rs.* 1,03,26,315 8·17 per cent. Inhabited Mouzahs Houses			
Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.	Number of Traders.	Amount of Assessment.	Average per Head.	Highest on Individual.
	Rs. a. p.	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*		*Rs. a. p.*	*Rs. a. p.*	*Rs.*
2,907	21,770 - -	7 7 9	250	3,913	18,653 8 -	4 12 3	175	17,616	91,287 12 9	5 2 10	750
12,760	35,880 3 6	2 12 11	82	21,780	44,158 - -	2 - 5	213	65,372	150,721 4 9	2 4 10	213
255	6,826 7 6	26 12 3	338	130	1,307 8 -	10 - 11	60	632	12,457 15 6	19 11 4	338
2,452	9,439 6 9	3 11 4	48	2,055	9,310 - -	4 8 5	187	7,722	30,952 - 3	4 - 1	240
273	910 14 6	3 5 4	15	750	2,676 8 -	3 9 1	24	1,698	6,754 9 6	3 15 7	40
1,505	3,366 13 3	2 3 9	18	2,354	4,775 - -	2 - 5	21	7,135	17,218 15 3	2 6 7	21
828	2,770 7 -	3 5 6	25	911	2,210 8 -	2 6 9	21	3,615	10,555 9 9	2 14 8	30
1,838	3,812 - -	2 1 2	16	1,772	2,405 8 -	1 5 8	8	8,074	13,375 4 6	1 10 6	18
5,730	13,846 - -	2 6 8	15 8	6,087	9,027 - -	1 7 8	18	24,379	45,657 4 3	1 13 11	40
3,105	3,755 6 9	1 3 4	11	1,515	2,067 8 -	1 5 10	6	8,278	11,260 9 3	1 5 9	30
2,205	3,269 - 6	1 5 2	11	3,721	4,046 8 -	1 1 5	4	12,308	14,660 7 9	1 3 -	11
8,874	13,044 15 3	1 7 6	8	9,968	12,688 13 8	1 4 4	60	33,219	49,483 4 11	1 7 10	60
2,439	3,270 15 9	1 5 5	10	3,392	5,862 - -	1 11 7	75	10,493	14,486 15 3	1 6 1	75
19,047	31,083 - -	1 10 1	22	7,537	9,366 - -	1 3 10	12	52,842	78,622 1 3	1 7 9	37
15,427	22,751 15 9	1 7 10	33	21,247	25,472 15 8	1 3 2	18	69,841	1,02,694 8 2	1 7 6	33
4,417	6,785 13 3	1 8 6	17	3,724	5,088 - -	1 5 10	15	19,360	26,674 8 9	1 6 -	125
9,671	13,192 12 6	1 5 9	11	13,621	15,966 8 -	1 2 9	9	50,374	60,711 3 9	1 3 3	15
122	247 10 -	2 - 5	10	1,077	1,394 - -	1 4 8	24	1,573	2,093 10 -	1 5 3	24
1,068	4,182 3 -	3 14 7	80	704	2,444 - -	3 7 6	18	5,066	13,438 5 3	2 10 5	80
6, 61	16,581 10 -	2 9 8	35	5,413	10,702 - -	1 15 7	32	14,079	35,326 8 9	2 8 1	35
750	1,629 9 -	2 2 9	9	543	745 - -	1 5 11	12	1,994	3,777 12 3	1 14 3	150
466	679 - -	1 7 3	11	1,171	2,431 - -	2 1 2	16	2,129	3,809 4 -	1 12 7	22
115	145 4 -	1 4 1	4	41	53 - -	1 4 8	3	302	374 13 -	1 3 10	16
284	600 4 -	2 1 9	6	60	148 - -	2 7 5	8	492	1,067 - -	2 2 8	8
114	223 12 -	1 7 11	8	59	183 8 -	3 1 9	18	336	723 7 3	2 2 5	18
9,102	21,956 13 6	2 4 10	100	8,193	11,096 - -	1 5 8	30	24,023	45,529 4 3	1 14 3	100
112,115	2,42,022 3 -	2 2 6	338	1,21,738	2,04,278 5 4	1 10 10	213	442,952	8,43,714 8 4	1 14 5	750

(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner, Oudh.

(No. 83 of 1860.)

From *A. R. Young*, Esq., Officiating Secretary to the Government of India, with the Governor General, to *C. J. Wingfield*, Esq., Chief Commissioner of Oudh; dated Camp, Benares, 10 December 1860.

Sir,

Foreign Department.

I HAVE the honour to acknowledge the receipt of your Officiating Secretary's letter, dated 20th ultimo, No. 3999, forwarding with your observations a statement showing the incidence of the trades tax lately levied in Oudh.

2. The Governor General considers that the general results and averages brought out go far to prove that the assessments have been fairly made, and that the policy of collecting the tax mainly through the landholders has been in this, as well as in other respects, a wise one.

3. The Governor General regards with great satisfaction the very small cost of collection, little more than 1 per cent., at which the tax has been levied, and his Excellency will await with interest your promised communication as to the absence of coercive measures which has marked the collection of this tax.

4. With reference to the 7th para. of your Officiating Secretary's letter, in which it is stated that you have authorised a reduction to the extent of 5,000 rupees in the amount of the tax leviable on the Mahomdee district, the Governor General considers that the reason given by you for this step is good, and his Excellency entirely approves your proceedings.

5. In conclusion, I am desired to convey to you, and to the officers subordinate to you, his Excellency's thanks for the careful manner in which the arrangements connected with the levying of the tax have been carried out.

I have, &c.
(signed) *A. R. Young*,
Officiating Secretary to the Government of India,
with the Governor General.

(No. 562.)

From *Charles Currie*, Esq., Officiating Secretary to Chief Commissioner of Oude, to the Secretary to Government of India, Foreign Department, Calcutta; dated Lucknow, 19 February 1861.

Sir,

Revenue.

WITH reference to para. 27 of my letter, No. 3999, dated 20th November last, I am now directed to forward to you for submission to his Excellency the Governor General the inclosed return, showing the number of complaints received by the authorities against talookdars and other landholders engaged in collecting the trade tax.

2. The Chief Commissioner must first explain that he originally called for a return, showing the number and nature of the coercive measures resorted to by the authorities for the realisation of the local tax in the districts. It was submitted blank for every district, Fyzabad and Mohumdee excepted. In the city of Fyzabad, it appears that attachment was in one instance ordered, but the defaulters paid up before it was put into execution. He is described by the authorities as a wealthy man. In the Mohumdee district, 60 persons were punished judicially for a combination against the measure, shown by striking work and closing their shops.

3. But the results exhibited in the return did not satisfy the Chief Commissioner, because he knew that two-thirds at least of the total amount of the tax had been collected by the talookdars and smaller landholders, who might have employed the same means for the collection as they are authorised to use for the realisation of their rents. The Chief Commissioner therefore called for another return, showing what complaints of over-assessment, or of oppressive measures in the realisation of the tax, had been preferred to the authorities against landholders. This return is now submitted for the 12 districts of the province, the city of Lucknow being excluded.

4. It will be gathered from the return that (1,378) one thousand three hundred and seventy-eight persons complained of having been assessed improperly, or at too

too high a rate, and (26) twenty-six of having been subjected to ill usage. The only case from which serious consequences followed was one in the Seetapore district, that terminated in the suicide of a Buniah. But this circumstance will produce less impression when it is considered how easily the people of this province are provoked to attempt self-destruction. A fit of ill temper, or pique at some trifling affront will constantly drive men to commit suicide, as the Chief Commissioner has had occasion to show in other reports. In the majority of cases the attempts are certainly not in earnest, and are merely an aggravated form of dharva or intimidation; but they are not unfrequently real and completed, and no doubt would be so more frequently, if the mere threat did not generally effect the object.

5. Exception has been taken to a passage in my report, dated 5th April 1860, No. 1258, in which the Chief Commissioner described the people of Oudh as having submitted to the tax without a murmur. But the Chief Commissioner affirms that, as regards the 12 districts of the province, this description is as true, now that the collections have been nearly completed, as it was then, when they had only just begun. The Chief Commissioner will justify the use of the phrase in the same words as a Minister in the British Parliament not long ago defended the use of the very same phrase with reference to an analogous measure of taxation in England, by saying that in employing it, he was "within the limits allowed to a general expression."

6. It cannot be supposed that by the use of this expression, the Chief Commissioner meant it to be understood, that no one expressed discontent, or ever grumbled at being called on to pay the tax. But the Chief Commissioner declares emphatically, and the enclosed return bears him out in saying it, that the people submitted in the best possible spirit to the new impost, and that the landholders lent a loyal support, and active aid to the Government in its assessment and realisation. To their hearty co-operation, the success that has undoubtedly attended the measure, is mainly to be ascribed. That the influence of the great landholders was employed to alleviate the burden on the poorer classes is best proved by the fact attested by many officers, that they often paid up the amount due on their estates before they had collected it from the taxpayers. The Chief Commissioner believes that this was the case in nearly every district, and that some talookdars are slightly out of pocket in consequence.

7. The Chief Commissioner has lately traversed a large portion of the province, and has heard no complaints from any class of the people. The local officers bear the same testimony. By adopting a simple process devoid of legal formulas and fine-drawn distinctions unintelligible to the rural population, and by working through their natural guides and leaders, the tax, despite unavoidable inequalities of incidence, has been imposed and realised with the minimum of harassment and vexation. Therefore, after giving due weight to all the complaints that the imposition of this tax has given rise to, and which the Chief Commissioner has diligently sought out and brought to view, he says advisedly, that he is not conscious of using exaggerated language, when he repeats, that by the population of the districts the tax has been paid without a murmur.

8. Since the submission of his previous report, the Chief Commissioner has learnt, that in the districts of Pertabgurh and Oonao, as well as Hurdui, instances have occurred of several persons having contributed to pay one rupee, though one only was taxed at that rate; an argument in favour of a poll-tax may be drawn from this circumstance, for it was undoubtedly the doing of the people themselves.

9. A return of the incidence of the tax in the city of Lucknow, and of the coercive measures employed, is under preparation, and will be submitted shortly.

10. The Chief Commissioner begs to add, that on the 1st January 1861, the collections out of a total demand of 846,109 rupees from the 12 districts, amounted to 761,593 rupees, leaving a balance of only 84,516, of which 5,953 rupees have been remitted.

I have, &c.
(signed) *C. Currie*,
Officiating Secretary to the Chief Commissioner of Oude.

RETURN showing the Number of COMPLAINTS received by the Authorities in OUDH, against Talookdars, or other Landholders engaged in Collecting the Tax.

DISTRICTS.	Complaint of Over-Assessment.	Complaint of Oppression in the Realisation of the Tax.	REMARKS.
Lucknow - -	3	- -	- - Parties complained of over-assessment, but withdrew the complaint as the village headman reduced the quotas.
Ditto - - -	5	- -	- - The petition is signed by five individuals, but purports to emanate from others as well, though their names are not given. They complained of over-assessment, but were satisfied when they learnt that the sum demanded was payment for the entire year, and not for a single instalment.
Ditto - - -	5	8	- - This was a complaint of oppression in realising the tax, and the case was investigated in the criminal department. The lumberdars of Mouza Oojureeaon had certainly committed some oppressive acts, and they were fined 30/. in accordance with the spirit of the Chief Commissioner's orders, communicated in secretary's letter, No. 4471, dated 27 September last.
Ditto - - -	104	8	- - This was not a complaint against the trade tax, but against the levy of purjote, or ground rent, by the talookdar of Mahona. This cess is always levied by landholders from non-agricultural residents on their estates. There is also the case of the inhabitants of a village named Sursaree, who came in a disorderly crowd to complain of the tax, but gave no written petition. It was in this case that the ringleader received five stripes by Mr. Berkeley's order, a circumstance which has attracted the notice of Government. On examination of the case, the complaint of these parties turned out to be reasonable.
Oonao - - -	181	2	- - Of the 181 persons who complained, 21 stated that the amount due from them had already been realised. The remaining 160 complained against being assessed at all, or against over-assessment. The two persons against whom complaints were preferred, entered in column three, were village headmen. One complainant stated the defendant had demanded a tax which had not been imposed. This was proved to be the case, and defendant was fined 2 rupees by extra assistant Hursahai. The other complainant urged that though not taxed, defendant had realised 8 annas from him. It appeared on inquiry that 8 annas was in payment of a debt due by respondent to defendant.
Durriabad - -	103 A	- -	- - A. In 87 cases, no sufficient proof was found. „ 4 „ 10 rupees each have been reduced. „ 6 „ excess taxation was proved; the same returned to parties. There are six cases pending investigation.
Roy Bareilly - -	275	1	- - There is no case of oppression in the revenue department, but there was one in the judicial department against the korindah of a talookdar; case dismissed, not being proved.
Sultanpore - -	111	*1	- - * The case is pending; no orders passed as yet.
Pertabgurh - -	†92	- -	- - † Four of these complaints were that the talookdar assessors required the complainants to pay more than the Government demand. The matter was inquired into, and orders were issued to the assessors to assess only the Government demand. Thirty-six were complaints that the talookdar assessors assessed the complainants whilst they were not subject to the tax. The cases were investigated, and 18 complainants were exempted from taxation. Fifty-two were complaints against the levy of the tax. The complaints were investigated, and on being found groundless were struck off the file.

DISTRICTS.	Complaint of Over-Assessment.	Complaint of Oppression in the Realisation of the Tax.	REMARKS.
Seetapore - -	11	1	- - In the case shown in column three, a servant or chupprassee of Shew Buksh Sing, talookdar of Kutesur, was employed to collect the tax; a Bunya refused to pay his quota. The chupprassee beat him on the head with a shoe. The Bunya vowed revenge and effected it by committing suicide by taking poison. The demand was apparently legal, but the beating was considered an act of oppression, and the chupprassee was tried and found guilty of an aggravated assault and sentenced to imprisonment for six months, with labour. The Deputy Commissioner considered that the prisoner was in no way responsible for the death of the Bunya.
Hurdui - - -	45	- -	- - No instance is reported from this district.
Mahomdee - -	78	2	- - The remarks in the district return relative to the two cases in column three, are unintelligible, further information has been called for, but neither case appears of a serious nature, and in one the person complained against was a Government servant.
Fyzabad - -	309	- -	- - Of these cases 106 are pending. In 15 the tax was remitted wholly. In 57 it was abated more or less, 117 were dismissed, six were applications for a copy of the lump sums fixed on Mohulla, Fyzabad, and Gonda; four were for assistance to realise it, four for more time in which to pay; and, as stated above, 106 are pending. All will be settled at the close of the month.
Gonda - - -	50	3	- - No instance of any undue hardship or real oppression has been found to have been committed in this district in connexion with the realisation of the trade tax; of the 53 cases, one was struck off in default, 46 dismissed after inquiry; in five, remission was granted, and one pending.
Baraitch - -	6	- -	- - Of these in five cases the assessment was annulled, and in the remaining case the parties complained that both kists were being collected at once, which was not allowed.
TOTAL - -	1,378	26	

(signed) *C. Currie*,
Officiating Secretary to the Chief Commissioner of Oude.

(No. 1113 of 1861.)

From *C. M. Aitchison*, Esq., Under Secretary to the Government of India, to *C. J. Wingfield*, Esq., Chief Commissioner of Oudh; dated Fort William, 12 March 1861.

Sir,

I HAVE the honour to acknowledge the receipt of your Officiating Secretary's letter, dated 19th ult., No. 562, submitting a Report as to the absence of coercive measures in collecting the trade tax in the Province of Oude. Foreign Department.

2. In reply I am directed to inform you, that the Governor General in Council considers this report to be highly satisfactory. The small number of complaints, whether of over-assessment or of oppression, proves that you were fairly justified in speaking as you did of the tax being levied without a murmur. Less than 1,400 complaints of over-assessment, and only 26 of oppression, whilst they go far to show that complaints were not stifled, are certainly not in discreditable proportion to the number of payers assessed, which, in the districts alone, and exclusive of those in Lucknow, amounts to 470,000, especially when regard is had to the novelty of the tax.

3. The loyal support and aid given by the landholders is peculiarly gratifying, and you are requested to accept for them, as well as for yourself and the officers of the Oudh Commission, the thanks of the Governor General in Council, for the good judgment with which the tax has been levied.

I have, &c.
(signed) *C. M. Aitchison*,
Under Secretary to the Government of India.

Political Department.

The Secretary of State for India to the Governor General of India in Council; dated 25 May, No. 75 of 1861.

1. I have received the letter of your Excellency's Government, No. 27, of the 22d of March, and have considered in Council the correspondence which it encloses with the Chief Commissioner of Oude, on the subject of the trade tax levied in that province.

2. I concur in the opinion expressed in your Excellency's letters to the Chief Commissioner, that the results are, on the whole, of a very satisfactory character. They indicate that the tax has been fairly levied; that it has created very little, if any, popular discontent; that the agency of the landholders has been very advantageously employed; and that the cost of collection has been unusually light. The commendations which you have bestowed upon the Chief Commissioner, and the officers employed under him, appear to be well deserved.

I have, &c.
(signed) *C. Wood.*

ANNUAL REPORT on the Administration of the Province of *Oude*, for the Year 1859–60.

Section I.—Judicial.

Part I.—*Civil Justice.*

Introductory remarks.

1. Various circumstances have combined to render the year under review the first in which the administration of the province could be uniformly and consistently carried on in conformity with the scheme enunciated by Government at annexation. The British Government having assumed charge of the province early in 1856, during the year 1856–57 the authorities were occupied in making summary settlements of the land revenue, and organizing the various courts of judicature throughout the province. Under these exceptional circumstances, the results of that year could not, even if they now existed, be made use of for purposes of comparison with those of the present. Just at the time, however, that, in the ordinary course of events, the report on the administration, during the first year of British rule, would have been submitted to Government, the mutiny of the native army broke out, and British supremacy was for a time overthrown.

2. The province was subject to British rule during scarcely any portion of 1857–58, and the year 1858–59 was spent in the gradual re-occupation of the several districts, and the re-organization of our courts and establishments.

3. The year under review, however, commenced with brighter auspices. The whole province had been relieved from a state of anarchy and confusion, and restored to peace and tranquillity. Rebellion had been crushed and trodden out, and though the last embers of a futile resistance were still smouldering, this was on the confines, and beyond the borders of the province.

4. Thus, with tranquillity universally prevalent, and the summary settlement of the land revenue completed, the executive officers have been relieved of many of the arduous duties which formerly required so much of their attention, and have been able to devote themselves more energetically to the discharge of their purely judicial duties. The statistical returns then, for the past year, though useless for purposes of comparison, are of great value, as showing the marked progress that has been made in enforcing a system of regularity and method in the transaction of public business.

5. The

5. The Punjab Code being the basis of our civil law, the modifications proposed to be introduced into the former have duly been intimated to the Chief Commissioner by the Supreme Government, with a view to their extension into this province, and have been generally adopted. Reforms.

6. The rule limiting the institution of suits for debts and simple contracts to six years had been introduced prior to the rebellion. While agreeing with the Punjab authorities as to the advisability of further reducing the period of limitation, the Judicial Commissioner expressed his preference for the provisions of Act XIV. 1859. The Chief Commissioner, concurring with him, approved of his modifying the Punjab rules, so as to bring them into harmony with the Act. It has been found impossible to extend the Act entire into the province, as many of its provisions are quite inapplicable. But a set of rules, embodying those portions of the Act which do not militate against the main principles of our system, have been drawn up, and now form the law by which the Civil Courts are guided. The main features of the law now in force are, that suits for immovable property are limited to 12 years; suits founded on registered bonds and debts of records to six years; and all ordinary suits for debt and contracts to three years. Limitation of suits.

7. A distinction has thus been made between registered and unregistered bonds. It was deemed premature to exclude unregistered bonds altogether from the benefit of our courts, as was proposed to be done in the Punjab in respect of all transactions exceeding 50 rupees in value, as, before universal registration can be enforced, the means for effecting registration should be both accessible and cheap. To effect this object strenuous efforts have been made, with no little success, to introduce into the province a general system of rural registration. Advantage has been taken of the large number of Canoongoe families dispersed over the country, for whom provision could not be found in the Government service, and these have been appointed notaries public in the principal towns and marts of the province. These notaries are authorized to register all deeds up to 500 rupees: a few simple rules have been drawn up for their guidance, and the fees for registration have been regulated at the rate of eight annas or half per cent. The general principles are, that the offices for registration shall be fixed at certain places, and open at specified hours. The registration is to be recorded in simple and concise language. The parties interested must appear in person before the notary at the time registration is effected, and one of them at least must be a resident of the notary's circle, or the transaction must have taken place within it. Copies of all transactions are monthly sent to the tehseel, the notary retaining a copy also. The registers are open to the inspection of any one on payment of a fee of one anna. The notaries are moreover called on to furnish security. Registration of deeds.

8. These notaries have not been drawn entirely from the Canoongoe families; Cazees have also been appointed notaries and respectable tradespeople. The former exercise the power of registration to a certain extent in the regulation provinces, and, although they have there greatly abused it, yet it is hoped that here, with strict surveillance and a regular system, they may be kept in check. The character and antecedent of these men are duly investigated before they are appointed to act as notaries. Notaries from what class appointed.

9. With a view to promote rural registration, the Chief Commissioner has ventured to propose a modification of the rules laid down by Government for the disposal of rent-free tenures, and to suggest that where such tenures of no very great extent are found in the possession of Canoongoes and Cazees acting as public notaries, they shall be released for their lives. It is hoped that by the time these tenures lapse, the office of public notary will prove remunerative enough to be sought after, which it is not at present; and, therefore, without such support from the Government, the attempt to establish a general system of rural registration would be likely to fail. Rent-free tenures maintained in favour of notaries.

10. Although the system was only introduced in the latter part of the year, and some unavoidable delay took place, yet the number of bonds registered has been as great as could have been expected. There have been 54 notaries appointed, and they have registered 1,300 deeds. Number of notaries, and deeds registered by them.

11. If the attempt to establish throughout the province trustworthy local notaries, Probable results of the scheme.

notaries, cheap, easy of access, familiar to the people, and acting before the eyes of the community, should succeed, and it should become the common and every-day practice of the people to attest before a well-known officer chosen from amongst themselves their ordinary dealings and contracts, a compulsory registration will become not only feasible, but highly advantageous.

Account books.

12. The rule which provides that no account books shall be admitted as evidence which do not comprise a day-book as well as a ledger, has also been introduced, but the period during which it has been in operation is too short to admit of an inference being drawn as to its practical results.

Restrictions on sale of landed property in execution of civil decrees.

13. The probibition against the sale of ancestral property in land in satisfaction of a decree without the sanction of the judicial Commissioner, and that of acquired property in land without the consent of the divisional Commissioner, has, in like manner, been borrowed from the Punjab, as has also the scheme of including in the institution fee the costs of the suit. The scale of charges has, after much careful consideration, been fixed at 5 per cent. on the amount claimed. Of this a moiety is on account of the institution fee, and the remainder is calculated to cover all costs for the issue of processes prior to the decision of the suit. The scheme has not been in operation throughout the year, and has not, therefore, had a trial sufficient to warrant the deduction of any conclusions. It therefore remains to be proved whether a system which definitely fixes the amount of costs at 2½ per cent. on the value of all suits is as equitable in practice as it is sound in theory.

Act VIII. 1859.

14. Rules of civil procedure have formed the subject of much correspondence and discussion during the year. The Act passed by the Legislative Council for regulating the procedure of the civil courts in the regulation provinces was not found altogether suitable to the usages and customs of this province, and has not therefore been extended to Oude. With the concurrence of the Supreme Government, however, it has been prescribed as the standard and guide on all points not provided for by local rules.

Language of record.

15. The most important measure of reform in the procedure of the courts has been the abolition of the old practice of deposition writing by native moonshees, and the institution of the plan of *vivâ voce* examination of witnesses by the judge and the record in his own handwriting. Unless the judge is a native or an unpassed assistant, who, from unacquaintance with the language, cannot properly interrogate witnesses, the record is invariably in English. The latter is allowed a deposition writer; but the native judge must take down the evidence with his own hand. This radical change of system was viewed by many with doubt and alarm, and at first a native reporter was entertained, whose duty was confined to reducing into writing in the vernacular the questions of the judge and the answers of the witnesses; but the Chief Commissioner abolished the office of reporter, for he thought that if the judge's own record was trustworthy, as it ought to be, that the reporter was unnecessary, and he felt assured that the inevitable tendency of the vernacular report was to relapse into the former discredited system of deposition writing. Though it throws some additional labour on the judge, the judicial Commissioner, and almost all the other officers, bear unqualified testimony to the advantages and success of the present system. It has greatly raised the character of our courts, and has given the people immense confidence in the administration of justice. The system has equally been enforced in the criminal courts, and the Chief Commissioner regards it as one of the most beneficial reforms ever introduced.

Appeals.

16. The restriction on the right of appeal, which makes the concurrent opinion of two courts final, has been beneficial. Even with this restriction the number of appeals has been considerable. It is satisfactory, however, to observe, that the number of cases in which the decisions of the court of first instance have been finally reversed is very small. Out of 387 appeals decided, in 257 the orders of the inferior courts were confirmed, while in 23 only were they reversed. Of the remainder, 84 were returned for further investigation, and in 23 the order was modified. The attention of the officers presiding over the inferior courts has been drawn to the importance of clearly defining the points at issue, and adhering to the determination of those points. The Chief Commissioner agrees with the opinion expressed by the judicial Commissioner, "that it is comparatively seldom

seldom that a superior court can with confidence, from the record only, find disputed facts in opposition to the opinion of the court which heard the witness; but it always can, and ought to see, that the lower court has thoroughly done its duty, and has decided all that should be decided." He therefore considers it a healthy sign to see the Superior Courts remanding cases for the further investigation of certain stated issues in preference to incontinently reversing the original order.

Civil courts.

17. While due attention has been paid to the adaptation to this province of the rules of civil law and procedure prescribed for our guidance, no less care has been taken to enforce a system of method and regularity in the internal economy of the civil courts.

18. With this view the Judicial Commissioner has drawn up and prescribed for general adoption a statement exhibiting the different descriptions of civil suits. These have been classified in a natural rather than a technical order.

Lucknow city court—appointment of civil judge.

19. The amount and importance of the business conducted in the civil court of Lucknow city, and the certainty that it must greatly increase, rendered it highly advisable that the Deputy Commissioner should be relieved of the duty of civil judge in the city, and that it should be entrusted to a special officer of experience and legal attainments; and to lighten the already heavy labours of the Commissioner of Lucknow, it was arranged that appeals from the civil judge should lie to the Judicial Commissioner. To provide such a salary as would ensure the services of an officer fully qualified for such important duties, without entailing extra expense on the resources of the province, the executive staff was reduced, and the salary of one Assistant Commissioner and one extra Assistant Commissioner, were devoted to provide for the salary of the civil judge, although this officer only entered on his duties at the close of the calendar year, yet his appointment has been attended with highly satisfactory results. An attempt has also been made to establish amongst the merchants and bankers of the city a sort of tribunal or chamber of commerce, to which difficult commercial or banking cases may be referred.

Clerk of the court.

20. Taking advantage of the necessity which had arisen for remodelling the judicial establishments, an endeavour has been made to introduce a new agency into our civil courts, by the appointment of a clerk of the court. Heretofore the judge has, in addition to his own more peculiar duties of judicially trying a case, been burdened with all the petty details requisite for its preparation and the enforcement of his decision. With a view to relieve him of these technical and petty executive duties, an officer, on an adequate salary, has been appointed, who is charged with the management of the office, and with all the mechanical and routine stages of a case. Of course the language of the record being English, it is necessary for the efficient discharge of their important duties that the person holding the appointment should be acquainted with both English and the vernacular. It was at first apprehended that natives possessed of the requisite qualifications would not easily be procured; but it is satisfactory to learn from the Judicial Commissioner's report, that in a large proportion of the districts men have already been obtained who only require a little instruction and practice to make them quite fit to fulfil the duties required of them; these duties extend to the criminal courts as well.

Amount of litigation.

21. Although, as before remarked, there are no means of comparing the statistical results of the past with that of former years, yet it may be presumed that the amount of litigation during the year under review has not been as great as it may be expected to be for the future in ordinary years. This limited amount of litigation is partly owing to the disinclination of men's minds, after so violent a convulsion, to return at once to their ordinary avocations, and partly also to a very great number of cases being barred by the law of limitation above described.

Number of suits.

22. There were 3,695 regular suits on the files of the different courts during the year, and 3,342 were disposed of. Of these, 1,794 were decided in favour of the plaintiff, either wholly or in part. The average duration of suits were something more than 28 days, which, on the whole, shows that the district officers have endeavoured not to allow their other important duties to prejudice civil suitors.

 23. The

23. The total value of the property disposed of by decisions was *Rs.* 1,51,72,113. 1. 5.

24. The greater portion of the civil litigation occurs in Lucknow city; consequently in numbers upwards of one-half of the suits, and in value about 98 per cent. of the property in litigation, appears in the Lucknow district return. In the remaining districts there has been a pretty uniform paucity of suits, the largest number being 243 in Fyzabad, and the smallest 103 in Roy Bareilly; cash debts form the principal staple of litigation.

Trust property, bankruptcy, &c.

25. It is probable that the proceedings in regard to bankruptcy, successions, the disposal of estates of incompetent persons, and other matters, such as form the subject of Chancery proceedings in England, will give large employment to the judicial officers of the city courts. The Judicial Commissioner has issued directions for a systematic procedure in cases of bankruptcy. The Succession Acts have been adopted, and are found well fitted to the state of Lucknow society. It is a matter of regret that family dissensions and disunion is found to prevail to a very great extent among the chief families of the Lucknow nobility.

Wuseequa or Government loans.

26. The Supreme Government, on the recommendation of the Chief Commissioner, has lately decided that all cases arising out of disputed rights to succession to pensions from wuseequas or loans from the kings of Oude (the interest on which the British Government is pledged to pay according to the terms of the engagements), and in fact all wuseequa claims shall be decided by the Assistant Secretary acting under the directions of the Chief Commissioner. This decision will tend greatly to relieve the civil court.

Part II.—*Criminal Justice.*

No trials held under Penal Acts.

27. It is satisfactory to be able to record that, throughout the entire year under review, criminal prosecutions have been conducted solely by the ordinary tribunals. Although the vibrations of the late commotion were felt longest in Oude, yet this was the first province which completely set aside the special tribunals authorized by the Penal Acts, and reverted to the ordinary courts of law for the trial of political offences. The only one of the Penal Acts which has been enforced, is that which authorises the executive Government to transport beyond seas all prisoners sentenced to imprisonment beyond a certain term. Advantage has been taken of this Act rather on account of the want of gaol accommodation than to subserve any political object to be gained by the extradition of those convicted of political offences.

Political trials.

28. The trials for such offences during the past year have neither been few nor of slight importance; almost all the massacres of Europeans which can fairly be attributed to the people of Oude, or in which they participated, have been avenged by the prosecution and conviction of those who took an active part in their prepetration.

29. The fate of the European fugitives from the several stations has become a matter of history. It is well known that some of our unfortunate countrymen from Seetapore took refuge with Rajah Lonee Singh of Mithowlee, and others with the Rajah of Dhourerah. It is equally well known that, though some few of the latter contrived to escape, yet the majority of these and all of the former were treacherously given up to the rebel leaders, and taken into Lucknow, where they were brought out and massacred in cold blood, some on one occasion, some on another. The parties to these deeds of treachery, both those who originally gave them up to the rebel leaders at Lucknow, and the rebel leaders who eventually surrendered them to the native army to be murdered, have during the past year received the just rewards of their crimes.

Trials of Rajah Lonne Singh, Rajah of Dhourerah, and others.

30. The result of the prosecution of Rajah Lonee Singh appeared in the annual report of the preceding year; it need only be added that he died while undergoing his sentence of transportation. The Rajah of Dhourerah, the principal of his advisers, and the most active of his adherents, have also met with punishment on account of a similar crime proportionate to the degrees of their guilt. The Rajah himself, sentenced to imprisonment for nine years, has, in consideration of his youth, received a mitigation of his sentence, and instead of being treated as a common criminal, has been allowed to reside at Moulmein under the strict surveillance of the authorities, receiving a small allowance for his subsistence.

31. While

Trials of Rajah Jye Lali Singh and Mummoo Khan.

31. While those who may be said to have thus compassed the death of those whom, by all laws of hospitality and humanity they were bound to protect, have met with the punishment due to their crimes, those who were more immediately concerned in the murder of these Europeans, by delivering them up to an enraged and revolted soldiery, have not escaped. It is scarcely necessary to repeat that the European prisoners, when brought into Lucknow, were detained in the Kaiserbaugh. On the approach of the relieving force under the late lamented Sir H. Havelock, K. C. B., the first party were made over to the soldiery, and massacred in front of one of the gates of that building. A similar scene occurred when Lord Clyde, with his avenging army, returned to effect the final capture of the city. On these occasions it has been proved that Rajah Jye Lall Sing, an influential talookdar, and one who devoted himself entirely to the rebel cause, acting as spokesman of the sepoy officers, demanded the execution of the Europeans, and Mummoo Khan, the Begum's paramour, basely gave them up to death when it was within his power to protect them. The former has justly expiated his crime on the gallows: the latter has, however, been sentenced by the Judicial Commissioner only to transportation for life.

Trial of Rajah Rambuksh Singh, of Doondia Khera.

32. In addition to the above, Rajah Rambuksh Singh, of Doondia Khera, is another of those influential talookars who lent themselves to evil, and have reaped the consequences. This man it was who led on his retainers to the attack of those few weak and faint Europeans, who having fled from the massacre at Cawnpore, took refuge in a temple on his estate. All were slaughtered, except Captains Thompson and Delafosse, and two privates, who flung themselves into the Ganges, and were rescued from its waters by the friendly Rajah of Morrarmow. Rambuksh was apprehended in the city of Benares, and being convicted on the clearest evidence, suffered death on the very scene of his crime.

Minor political trials.

33. Besides the above, there have been other cases important, inasmuch as retribution has been exacted for the shedding of European blood, but in which the parties concerned did not hold the same rank and position as in the cases already enumerated. It would be beyond the province therefore of such a report as this to enter at any length into their details; suffice it to say, that in two cases eleven persons, residents of villages near the Ganges, have been convicted of taking part in attacks on the boats of the fugitives from Futtehgurh. Seven persons concerned in the murders of the late Major Gall at Roy Bareilly, and Messrs. Block and Stroyan at Sultanpore, have been convicted, as have been the criminals in two cases of the murder of Christians during the confusion of the outbreak in the city of Lucknow. A minor talookdar and his headman have been convicted of surrendering a Christian fugitive to the Nana. One Mahomedan Moulvee, of talent and education, formerly a servant of the British Government, has been convicted of preaching murder as sanctioned by religion; and another talookdar was found guilty of plundering and maltreating the fugitives from Fyzabad, although he did not actually murder them.

Trials of sepoys belonging to massacre regiments.

34. The duty of tracing out and prosecuting the sepoys of massacre regiments, against whom evidence of active participation in the murder of their officers can be procured, has, with the sanction of Government, been entrusted to the Assistant Superintendent of Thuggee and Dacoity stationed at Lucknow. No great success has attended his operations. The difficulty of obtaining individual proof of guilt can be understood, and the sepoys, as a body, are unwilling to give evidence likely to criminate their brethren in arms. Moreover, owing to the men having systematically enlisted under false names, and given false accounts of their home and calling, it has been found often impossible to trace even those against whom the most convincing proof has been obtained in court. While, then, 217 men have been examined, five only have been committed for trial in this province during the period under review. Five more have been sent to other districts, nearer to the scene of their crimes and the homes of the witnesses to the same. Of the remainder, 192 have been released, and 13 have died.

35. Although the efforts of the past year have not eventuated in many convictions, yet a large and important mass of evidence has been collected, which has clearly defined the names of the principal actors in almost all the chief massacres, and which will, in future, be of the greatest use in bringing these parties to justice. Captain Chamberlain reports that he has now evidence sufficient to convict 13 men from among those who slaughtered at Nourungabad our unfortunate countrymen, refugees from Shahjehanpore and Mahundee. Some few of these have, during the past year, been brought to the gallows.

 36. Though

36. Though a large proportion of the rebels made over to the British authorities, by his Excellency the Maharajah Jung Bahadoor, on the final expulsion from his territories, in December last, consisted of sepoys of massacre regiments, the Chief Commissioner thought it best to pursue the same course that he had originally adopted in respect to these men, and which was explained in his last annual report. Their numbers were embarrassing, so that even of the regiments that committed general massacre, he directed that such men only should be detained in custody against whom there was reasonable expectation of obtaining evidence sufficient for conviction; the remainder were made over to the zemindars of their villages, who were held responsible for producing them if hereafter required.

37. Among minor political offences may be classed the concealment of arms. The general result of the disarming operation will be noticed more fully in a subsequent portion of this report. The marginal statement shows the penalties exacted on this account, from which it will be seen that persons have been mulcted in the sum of 44,000 rupees, besides property to the amount of 1,29,258 rupees annual jumma having been confiscated. The penalty was enforced in the case of several large talookdars, who, in direct contravention of the terms of the settlement engagements, had concealed their cannon.

General statistics of crime.

38. The returns of crimes committed during the past year, as will be explained when treating of police, cannot be relied on as correct. It will be necessary, therefore, to confine the remarks to the statements of trials and their results.

39. Murder appears to have been very prevalent, 183 cases having been reported, exclusive of the smaller number, in which murder attended crimes against property. Violent crime against property has not been rife. Dacoity has not been prevalent to any large extent, though some cases have occurred.

40. In the district criminal courts, 8,464 cases, involving 17,421 persons, have been tried; 10,309 persons have been convicted or committed to higher courts, and 6,226 have been acquitted. Business has been promptly and satisfactorily disposed of, though the proportion of convictions obtained is not quite so good as could have been wished.

41. The increased powers granted to district officers (seven years' imprisonment) has been found of the greatest advantage, and the Judicial Commissioner has recorded his opinion, in which the Chief Commissioner concurs, that Deputy Commissioners have generally used those powers discreetly and well. This extension of authority has precluded the necessity of any trial being held on the record, except in those cases expressly provided in Government letter of October 1858, viz., where the prisoner confesses before a European officer to any crime other than murder, or where the Commissioner, on a perusal of the proceedings of the inferior court, does not think the evidence sufficient for conviction, and, consequently, acquits the accused.

Results of system of using stripes and fine.

42. The system of using preferentially stripes and fines in lieu of imprisonment, in the greater number of cases has worked well. Of the number of persons convicted during the past year, 1,103 were subjected to double and treble punishments, fine and stripes being combined, or one or other, or both, being combined with imprisonment. The number of stripes inflicted has never exceeded 100, although Commissioners are empowered to administer 200, while in about 70 per cent. of cases less than 50 stripes were given.

Criminals flogged once.	
30 lashes	2,537
50 lashes	1,481
100 lashes	589
Total	4,607

Criminals flogged twice.	
30 lashes	8
50 lashes	30
100 lashes	45
Total	83

Criminals flogged three times.	
30 lashes	0
50 lashes	6
100 lashes	10
Total	16
Grand Total	4,706

43. The salutary effects of corporal punishment as a deterrent has been doubted by many. The best mode of judging the effects of any kind of punishment is by ascertaining whether criminals, notwithstanding the punishment inflicted, are repeatedly being indicted before the courts. The marginal statement shows that out of a total of 4,706 persons flogged between 1st January 1859 and 30th March 1860, only 83 were flogged twice, and 16 three times, and of the above 60 were flogged twice, and nine three times in Lucknow, leaving the small proportion of 23 flogged twice, and seven three times in all the other districts, out of a total of 3,186. Considering, then, that the tendency of officers in inflicting corporal punishment has been decidedly towards leniency rather than severity, these facts may be taken to prove that this punishment may be made effective as a deterrent without being carried to the point of brutality.

44. There

44. There has been a considerable amount of criminal work in the Commissioners' courts. They have tried 326 persons, and disposed of 278 appeals. The political and city cases render the Lucknow division the heaviest; otherwise the work of the four divisions is pretty nearly balanced. Work in Commissioners' courts.

45. In the Judicial Commissioner's Court, besides the 37 persons convicted of murder and maltreatment of Europeans, 56 have been convicted of murder as principals or accessories, and 17 of minor offences, making 110 convictions, with 11 acquittals. The result of the appeals has been satisfactory. Judicial Commissioner's criminal business.

46. Before concluding this portion of the report, it may be as well to mention, that during the past year the establishments have been arranged on a permanent basis. The schedules have been prepared with a due regard to economy without affecting efficiency. The schedules submitted have been sanctioned by the Supreme Government. Establishments.

47. The remarks in the preceding section, regarding the substitution of the English for the vernacular record, apply equally to the criminal administration, and the clerk of the court is common to both departments.

Part III.—*Police.*

48. The original organization and constitution of the Oude Military Police has been explained in the report of the past year. It remains only in the present report to describe what modification and alterations have been made in the organization of the force, and to remark on the manner in which they have performed their duties. General remarks.

49. The police, as originally constituted, comprised five regiments of cavalry, numbering 3,000 sabres, and 14 regiments of infantry, containing 10,976 fighting men. The European officers, exclusive of chief of police and his assistant, consisted of a divisional commandant for each commissionership of the province, and a commandant and adjutant for each district. There were besides a native commandant and adjutant appointed to each regiment, entrusted with the internal discipline and drill of the corps under their command.

50. It was found that the force thus constituted was far larger than the exigencies of the service required, when once the province had been reduced to subjection and order. The cost, moreover, amounting to nearly 27 lakhs, was greatly in excess of what the resources of the province could afford to pay on account of its police, and it became necessary to reduce the force as far as was compatible with public interests. His Excellency the Governor General approved of the recommendation of the Chief Commissioner, that the police should be confined to the purely civil duties, and no portion made over to the military authorities to take the place of the regular native army. Necessity for reduction.

51. This point settled, the requirements of the province were taken into careful consideration, and the force was reduced to one regiment of mounted police of 1,405 sabres, and 13 regiments of 601 men each, or 7,813 foot police. New organization.

52. At the same time the office of divisional commandants was done away with, as also that of district adjutant. In lieu of the latter, nine young officers were attached to the force as assistant superintendents, to learn their duty and supply the places of district superintendents absent on leave, &c. The annual saving caused by this reduction, together with a small saving produced by certain modifications in the establishments effected by the chief of police, amounted to nearly 11 lakhs a year.

53. The force so constituted is distributed in the following manner: each district has one troop (100 sabres) and one regiment of foot police. Two troops of mounted and one regiment of foot are kept as a reserve at Lucknow. Distribution.

54. Owing to the presence on the northern border of Oude of the last remnants of the rebel forces, who had been driven into Nepaul, it was deemed advisable to retain for the protection of the frontier two extra regiments of infantry, and one of cavalry, to be employed in guarding the frontiers of the Gonda and Baraitch districts. As soon, however, as the Nepaul forces had entirely dispersed the band of rebels who infested the Nepaul jungles, or made them over to the British authorities, these extra regiments were reduced. A small additional force of 100 sowars and 150 infantry being allowed to each of the above-named districts to prevent any straggling parties of rebels from forming themselves Extra police corps on frontier.

selves into bands of dacoits and disturbing the peace of those districts. These additional men are now being absorbed in the fixed establishment.

55. The police have been recruited from all castes and classes of men at present; however, the principal element is Seikh, there being 1,994 of that nation in the force.

56. The following castes are also well represented:—

Brahmins - - - - - -	380
Punjabees - - - - -	1,239
Rajpoots - - - - - -	529
Jâts - - - - - - -	198

and a vast number of other castes.

Statistical report incorrect. Reason for this.

57. Owing partly to the registers of crimes not having been regularly prepared during the first three months of the year 1859, and partly to the inexperience of the officers, the statements showing the statistical results of the police management are very incorrect, and cannot be relied on as affording any authentic data. Moreover, the statements submitted by the chief of police show great discrepancies when compared with those sent in by the district officers. It is certain the latter must be correct, and that they may be accepted in preference to the former, as showing the success which has attended the efforts of the police. The results thus shown are not altogether satisfactory, for, while the average of apprehensions and convictions in petty crimes is fair, that in heinous offences is small.

Causes for unsatisfactory results in detection of crime.

58. Considering, however, that the police were originally raised and organized as a military force, that they were so employed for some considerable time, and that they were transformed into a civil police, without having any opportunity of gradually making themselves acquainted with the different kind of duty required of them, it must be admitted that they have acquitted themselves in a highly creditable manner. It cannot be expected that an efficient police, even with the best materials, can be organized in one or even two years. Much less can this be anticipated when the material to be worked upon is totally new to the duties required. Originally the vast majority of the men were seikhs, ignorant of the customs, and, to a certain extent, of the language of the inhabitants of Hindostan. The native officers, too, were not chosen for their qualifications for police duties, but for services in the field, and many were transferred from the ranks of the native army for loyalty to the State.

Want of co-operation on part of district officers.

59. Nor has the co-operation between the police and magisterial officers been so hearty as was requisite to ensure success. Though the principle of entire independence of the civil authorities, on which the new police system was originally based, had been greatly relaxed during the past year, there still remained enough of it to prevent harmonious action. The Chief Commissioner has therefore decided on making superintendents of police completely subordinate to the district officers, strictly maintaining, however, the separate organization of the police under a chief of police.

60. With a view to teach the European police officers how the functions of the police in the detection and prosecution of crime are connected with the due administration of justice, the assistant superintendents of police have been directed to attend the Deputy Commissioner's court regularly, and have been vested with the powers of assistant magistrates, to enable them to acquire, by practice, a judicial training.

Highly satisfactory results of police as a protective body.

61. Whatever may have been the short-comings of the police in their detective duties, there can be no doubt that they have been of the greatest value in repressing the committal of heinous crimes, such as dacoity, gang-robbery, &c. In a province teeming with sepoys of the late native army, who have returned to their homes sullen and discontented, dacoities might have been expected to be of frequent occurrence, and the almost entire immunity from them may be attributed to the efficiency of the Oude police. On several occasions the Chief Commissioner has had reason favourably to contrast the conduct of the present police with that of the old regime. He is even of opinion that it is better liked by the people. The Chief Commissioner has lately submitted a detailed report to Government on the constitution and working of the Oude police; he therefore need not dwell longer on the subject.

Disarming operations.

62. The police were employed during the early part of the year in disarming the population. This work they have carried out with great zeal and success. The last returns of arms surrendered show that there have been 720 cannons of sizes,

sizes, 192,183 fire-arms of sorts, and 579,156 swords delivered up, besides a vast number of miscellaneous weapons (specimens of the most curious native arms have, by desire of Government, been collected and forwarded to England and Melbourne). This arduous duty the Chief Commissioner believes to have been performed with as little vexation to the people as possible without sacrificing the end in view. The Chief Commissioner repeats the opinion expressed in his former annual report, that with no other body of police could the disarming of the population have been effectually carried out.

Rural police system introduced at annexation.

63. The rural police require a few remarks. On the annexation of the province, the system which has been generally adopted throughout the North-Western Provinces was introduced into Oude. At the summary settlement a per-centage, never less than 6 per cent., and more than 7 on the Government demand, was imposed as an extra cess for the payment of village chowkeedars, who became, in fact, Government servants.

Old rural police of Oude.

64. It had been clearly shown during the past year and at annexation, that the system then introduced, was not adapted to the customs and inclinations of the people. Throughout the greater part of Oude there has existed from time immemorial as perfect a system of rural police as is required by the people themselves. Each village had its chowkeedar. The appointment was hereditary and much valued; the emoluments derived from rent-free land and dues on each harvest and other gratuities were considerable, and maintained a larger number of persons than the salary in money could. The several members of the family assisted in the performances of the various duties attached to the office. Thus, while one patrolled the village at night, another watched the outlying crops of the villagers—a duty in an open, unenclosed country of no slight responsibility.

65. Under the system introduced at annexation, on the other hand, half the hereditary chowkeedars lost their situations, and strangers took their places; for two or more small villages were arbitrarily grouped together to form a single charge, with a handsome salary. This change was especially distasteful to the population, for each village likes to have its own chowkeedar, to the old policemen, who lost his situation; and to the new one, who became the object of general dislike. The landholders, too, complained that the new chowkeedar, when paid by the Government, threw off all dependence on them, and that it was unfair to make them responsible when they had no authority.

66. So many able and experienced officers have, during the past year, advocated a return to the indigenous system of rural police, that the Chief Commissioner has sanctioned this course wherever that system is found in vigor. This rural police is now formed almost exclusively of Parsees, a numerous and influentail race in Oude, noted for fidelity when in service, and for their thieving propensities when unemployed.

Old system restored.

67. In lieu, then, of collecting this heavy unpopular cess, and paying a money allowance to chowkeedars appointed without reference to the wishes of the people, the landed proprietors have been called on to nominate their own chowkeedars, and to provide for their payment in the manner in which it has hitherto been customary to remunerate these village servants. In any case where that remuneration is insufficient, they will willingly augment it in consideration of being relieved of the heavy money cess. The zemindars have been warned that, while Government refrains from interfering with the police arrangements of their estates, they will be held responsible for the efficiency of their own measures, and that this responsibility will be strictly enforced.

68. The main objection raised to this system is, that the landholders will systematically conceal the commission of crime to avoid the responsibility of detecting the criminal. With an efficient and well-organized regular police, the concealment of the commission of any heinous or important crime should be impossible, and it is doubtful whether any benefit is derived from filling our police diaries with the reports of the commission of petty offences, in which the parties concerned are unwilling to prosecute, and are not under any obligation to do so. The Chief Commissioner thinks the compulsory report of petty crime one of the many instances of needless and vexatious interference with the people that have contributed to render our rule unpopuler. It is notorious that in native States, where the people are left to manage their own village police, petty theft is comparatively rare; while it is an undoubted fact, but one to be lamented, that, although

under British rule heinous crimes are diminished, owing to the increased force and vigilance with which the arm of the law is wielded, yet petty thefts and such like crimes greatly increase. This is the great blemish of British rule in the eyes of the poorer classes, who are the principal sufferers.

69. It was stated in the last report, that a police force had been organized for the city of Lucknow on the principle of the London police. This force has been maintained during the year, and has been found to work well. The city is told off into two deputy superintendentships, eight inspectors' stations, and subordinate beats, and there are 270 constables on duty day and night. The chief of police has also introduced the system, dividing the whole city into parishes, and allotting these to each post or thannah. Each mohullah or parish selects a representative, who forms the medium of communication with the police. This plan is practised in some other parts of India with great success. It is probable that, during the present year, considerable reductions will be made in the numerical strength of this force.

Part IV.—*Gaols.*

70. There is not much to be said under this heading, the gaol accommodation of the province being very scanty. There are but two regular gaol buildings, that is, at Lucknow and Baraitch, and the latter is so unhealthy, it has been abandoned. At all the other stations native houses and other edifices have been made use of as temporary places of confinement.

71. Buildings for the safe custody of prisoners under trial have been erected at small cost, under 1,000 rupees, in almost all the districts, and, with some slight additions, it is hoped that these may be made available as gaols in those districts which are not the head quarters of divisions.

72. The recourse to stripes and fines as a general mode of punishment has tended greatly to diminish the number of prisoners under imprisonment, and the provisions of Act XXXII. 1858 have enabled the authorities further to relieve the gaols by transporting beyond seas all those sentenced to long terms.

73. The number of prisoners under confinement throughout the year was 8,931, and at the end of the year 1,346, of whom 892 were prisoners sentenced to labour, 26 without labour, and 248 under trial. The health of the prisoners has been in the main good. The Lucknow gaol, though well ventilated, airy, and commodious, and possessing the best sanitary arrangements, has been remarkably unhealthy, and it was found necessary to remove a great portion of the prisoners to the Moosa Bagh, on the outskirts of the city, for change of air. The prisoners have enjoyed the best health at Hurdui, where they have had no shelter but a tent. For several successive months the sick lists of this district were blank.

74. Arrangements have been made for the construction of a central gaol at Lucknow, and of divisional gaols at the head quarters of the several divisions. The former is calculated to hold 2,000 prisoners, and the latter will accommodate 500 each.

75. Plans and estimates have been submitted with the Public Works Budget for 1860–61; materials are being collected, and it is hoped that, at the close of the ensuing rains, the construction of these gaols will be pushed forward with great vigour.

76. The prisoners, except those at Lucknow and Fyzabad, have been employed almost entirely in the construction of roads and other out-door works.

77. In the absence of regular gaol buildings, in-door labour could not be resorted to; there is consequently nothing to report regarding gaol manufactures. In the Lucknow gaol a lithographic press has been established, which has been worked with considerable profit, and the prisoners have been employed on the manufacture of paper, prisoners' clothing, &c. The sum of *Rs.* 3,598. 6. 11. was credited to Government as the net produce of convict labour.

78. The total cost of maintenance of prisoners averaged 23 rupees per man, exclusive of establishments. The scale of regular gaol establishments has been determined during the year, and approved by the Supreme Government.

Section II.—Revenue.

Part I.—*Land Tax.*

79. In many districts rain gauges were not supplied at all during the past year, and in others not till the year was far advanced. When received and set up, the method of measurement was but imperfectly understood, and hence the meteorological registers are imperfect and inaccurate.

80. From the reports of the several district officers, it appears that the past season has been rather unfavourable. The rains were scanty and partial, and ceased very early. There was a universal deficiency of the mahawut or cold weather rains. In the Khyrabad division, the district of Hurdui had no rain later than August. In the Lucknow division the rainy season was tolerably good, but the autumn harvests were affected by its early cessation. In the Baraitch division, and more especially in the districts Trans-Gogra, there was almost an entire failure of the periodical rains, and this, followed by the absence of any cold weather fall, has materially affected the prospects of the spring crops. In fact, in the district of Baraitch the failure of the rubbee and of the rice crop, which is the staple of the division, is extensive. The Fyzabad districts enjoyed average harvest.

81. Notwithstanding the unfavourableness of the seasons, the land revenue has been collected without any difficulty. The tabular statement given below shows the demand, collection, and balances of the past year:—

Division.	Demand.	Collection.	Balances.			Per Centage.
			Nominal.	Real.	In Train of Liquidation.	
	Rs. *a.* *p.*	*Rs.* *a.* *p.*	*Rs.* *a.* *p.*	*Rs.* *a.* *p.*	*Rs.* *a.* *p.*	
Lucknow -	27,78,357 - -	27,38,162 - -	14,701 - -	21,970 - -	3,524 - -	1·44
Kyrhabad -	28,17,926 - -	27,90,901 - -	25,382 - -	1,216 - -	427 - -	0·95
Baraitch -	19,74,012 5 -	19,53,199 9 -	6,190 13 -	712 - -	13,909 15 -	1·05
Fyzabad -	27,99,813 - -	27,93,565 - -	1,612 - 3	4,438 - -	197 15 9	0·22
Total - -	1,03,70,108 5 -	1,02,75,827 9 -	47,885 13 3	28,336 - -	18,058 14 9	0·90

82. It will be seen, that out of a total demand of *Rs.* 1,03,70,108. 5., there is an outstanding balance of only *Rs.* 94,280. 12. or 0·90 per cent., and of this balance *Rs.* 65,944. 12. are nominal, or in train of liquidation, and 28,336 rupees, or 0·27 per cent. real or irrecoverable. The greater portion of this last item is on account of the failure of the crops in the Lucknow district, in that portion chiefly which borders the Cawnpore road, and which has not recovered the ravages committed by the several contending forces during the rebellion. The collection of the entire demand in the Baraitch division, with only a very small nominal balance, is, in the Chief Commissioner's opinion, highly creditable to the Government officers, especially as in two out of the three districts of this division the rebellion had not been entirely extinguished till the close of the calendar year; that is to say, the presence of large bodies of rebels, under influential leaders, formerly men of note in the province, naturally exerted an unfavourable influence on the ryots. Similar causes had prevented the collection of the Government revenue during the preceding year, and at the commencement of the year under report there were heavy balances outstanding in this division. These have been recovered or remitted during the year, and the balance sheet of the division is quite clear.

83. It is highly satisfactory to be able to record, that the land revenue has been collected with so small a balance, without recourse to any but the mildest coercive processes, and even these have been sparingly resorted to. The marginal statement shows the number of dustaks issued. Throughout the province there has not been a single case of recourse to distraint, farm, transfer, or sale. These results must, however, mainly be ascribed to our having to deal with a limited number of great landholders, instead of myriads of petty proprietors. The former can command other resources if the harvest fails, and, moreover, feel pride in punctuality in their engagements. The latter are utterly dependent on the crop, and can turn nowhere else for money.

Division.	Number of Dustuks issued.
Lucknow - -	2,719
Khyrabad - -	2,520
Baraitch - -	562
Fyzabad - - -	3,449
Total - -	9,250

84. In some few instances, where the estates of certain talookdars had, through their incapacity, fallen into confusion, it has been found necessary for the Government officers temporarily to assume charge, and this measure has in all cases been attended with the most satisfactory results. In the Baraitch division, two estates, viz., those of Singa Chundra Esannugger, were thus taken charge of by Government, and, although at the time direct management was assumed, there were large balances outstanding, and it was supposed that the Government demand was heavy; yet, during the past year, these balances have been recovered in addition to the current demand, and the estates have been restored to a healthy and flourishing condition. None are more thankful for this measure than the proprietors of the estates themselves, and an application for its adoption has come spontaneously from several.

85. Besides those estates, of which the direct management was assumed on account of arrears of revenue, the district officers have been in charge of many confiscated estates pending their final disposal. In all instances, the management of these estates has been conducted with considerable profit to Government, and benefit to the estate, as will be seen from the following statement:—

Division.	Number of Estates held Kham	Demand.	Collection.	Expense of Collection.	Balance Credited to Government.	Balance Outstanding.
		Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Lucknow -	23	18,174 14 1	18,174 14 1	1,481 15 3	16,692 14 10	—
Fyzabad -	47	38,971 1 6	25,153 - 9	3,883 10 10	21,269 5 11	13,818 - 9
Khyrabad -	11	84,857 9 7	84,609 12 10	8,190 2 3	76,419 10 7	247 12 9
Baraitch -	579	2,89,308 11 5	2,81,968 2 1	38,938 - 11	2,43,030 1 2	7,340 9 4
Total - -	660	4,31,312 4 7	4,09,905 13 9	52,493 13 3	3,57,412 - 6	21,406 6 10

86. The remissions of revenue during the year amount to 44,565 rupees; they were principally, as explained in last year's report, on account of the demands of the spring harvest of 1858-59.

87. From the above results it may be inferred that the summary settlement, which was completed during the year, is moderate and just. A detailed report on the settlement was submitted in October last, and it is therefore unnecessary here to say more on the subject than to point out that possession, as existing at annexation, has been made the basis of the settlement.

88. It was stated in last year's report, that with a view to secure sub-proprietors, in talookdaree districts from extortion, the Chief Commissioner had directed puttas or leases to be given to the talookdars to all holding direct of them. This measure has been carried out with but little difficulty, and its success has been practically tested by the paucity of suits which have been brought to

to enforce the conditions of the lease. The Deputy Commissioners generally agree in stating, that whatever difficulty they experienced in settling the disputes which arose about these puttas, was caused not so much by any such unwillingness on the part of the talookdars to grant reasonable terms to their tenants, but rather from a desire on the part of the tenants to claim more than was justly their due. It cannot be a matter of surprise, that the expectations raised by our settlement proceedings at annexation should not easily be foregone, and that the parties then admitted to engagements should be disinclined to believe that the Government no longer intends to support their pretensions. This difficulty has been felt in those villages in which the ancient proprietary body are still settled in cultivating occupancy of their ancestral holdings in subordination to the talookdars. A similar difficulty has arisen in those estates, which, having been confiscated, have been granted away in reward. A reluctance to come to terms with the grantee has been more particularly shown in those estates, the former proprietors of which were still in arms in Nepaul. In the Fyzabad division there has been an inclination on the part of some of the talookdars to grant leases at nominal sums, with a view to conceal the true assets.

89. The number of suits instituted with a view to enforce the conditions of the lease is small, thus proving that the relations between landlord and tenant are on a satisfactory footing.

90. The rights of grantees to rent-free holdings have been investigated, and considerable progress has been made in the adjudication of these claims. In the disposal of these cases the Chief Commissioner has inclined to put the most liberal construction on the orders of Government, and consequently but few tenures have been summarily resumed. The permission granted by Government to Commissioners to dispose of all cases in which the tenure was less than 50 acres, has expedited the disposal of these cases, and afforded great relief to the Chief Commissioner.

91. The claims to nankar and cash allowances on the part of those members of the old Canoongoe families, for whom provision could not be found in Government employ, have also been adjudicated, and in all cases in which the indigence or age of the parties warranted it, pensions or gratuities have been proposed and sanctioned by Government.

Part II.—*Customs—Excise.*

92. There are no customs levied in Oude. It was stated in last year's report that in Lucknow the plan recommended by Government, in its letter No. 1428, dated 31st March 1859, of taking the distilleries under direct management, had been adopted. Under the able supervison of the Deputy Commissioner, Mr. P. Carnegy, aided by his extra assistant Commissioner, Ramdyal, the experiment has met with decided success. One sudder distillery has been established in the city, from which all retail vendors have been supplied. The spirit is manufactured by a contractor within the precincts of the distillery at a fixed rate per quart bottle, it having been found that, after allowing for the profits of the contractor, this system is less expensive than maintaining an establishment for the purposes of manufacture. The sale is effected by a paid establishment entertained for the purpose. After some months' trial in the city, Mr. Carnegy extended the system throughout his district. For the first three months the change was accompanied by a loss of revenue, but after that period the proceeds considerably exceeded the contract rates. At first separate distilleries were established at each tehseel, but after a very short time these were abolished, as it was found more economical to supply all liquor from Lucknow, while the supervision was greatly improved. Mr. Carnegy manufactured two kinds of liquor, one about 30 degrees below London proof, and the other about 25 above. The former is sold at a price which gives a rate of excise duty of *Rs.* 1. 0. 6 per gallon, and the latter pays a duty of *Rs.* 1. 11. 6.

93. The financial results of this experiment are given below:—

Lucknow City.		Lucknow District.		
	Rs.		*Rs.*	*Rs.*
Under contract, 1856 - - -	58,000	1856 - - - - -		15,000
		Contract for six months -	17,054	
1859–60, direct management -	80,961	1859–60, direct management for six months -	18,842	
				35,896
Increase - - *Rs.*	22,961	Increase - - *Rs.*		20,896

94. The result of the trial given to direct management in other districts, though not altogether unfavourable, has not been so successful as in Lucknow. Great allowance must of course be made for the large city, where the consumption of liquor is greater and superintendence less expensive than in agricultural districts. A good deal, however, depends on the want of interest exhibited by district officers, and the antagonism of tehseeldars and others, upon whom is entailed extra labour. The Chief Commissioner will not, however, relax in his endeavours to substitute the system of sudder distilleries, which he considers the only honest foundation on which the abkarry revenue can rest, for the discreditable one of contract. By the former we put the highest possible tax on the consumption of spirits, short of affording direct encouragement to illicit distillation, and thereby limit consumption; by the latter we look to a revenue from stimulating consumption and promoting immorality; by the former the highest possible fixed duty is levied, but it is impossible to say what the duty is under the contract system. It is reduced in exact proportion to the quantity of liquor the contractor can sell. The plan so successfully carried out by Mr. Carnegy, of having only one distillery, has not been found successful at Sultanpore and other places, and it has been necessary to start separate distilleries at the tehseel stations. The Government duty, at Fyzabad and Sultanpore, has been fixed at 12 annas the gallon. While the sudder receipts at those stations have increased, the mofussil have fallen off. The general income of the excise revenue, including drugs and opium, during the year, is as follows:—

Division.	Demand.	Collections.	Balances.		
			Nominal.	Real.	In train of Liquidation.
	Rs. a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.	*Rs.* a. p.
Lucknow - - - -	2,90,486 - -	2,66,244 - -	5,136 - -	6,139 - -	12,967 - -
Khyrabad - - - -	1,61,434 - -	1,42,056 - -	148 - -	- - -	19,230 - -
Baraitch - - - -	1,15,807 4 3	1,05,523 15 5	867 4 10	- - -	9,416 - -
Fyzabad - - - -	1,65,059 9 10	1,54,630 8 10	- - -	- - -	10,429 1 -
Total - - *Rs.*	7,32,786 14 1	6,68,454 8 3	6,151 4 10	6,139 - -	52,042 1 -

Part III.—*Stamp, Salt, Opium.*

95. There has been a considerable increase in the receipts from the sale of stamps during the past year. This, however, is a source of revenue which has not as yet attained its maximum, for it has already been explained that the litigation in the Courts of the Province is still below the average. The net revenue from the sale of stamps is marginally noted.

Division.	1858–59.	1859–60.
	Rs.	*Rs.*
Lucknow - -	29,540	76,668
Khyrabad - -	5,278	16,801
Baraitch - -	3,738	17,200
Fyzabad - -	5,776	31,361
Total - *Rs.*	44,732	1,42,030

96. The system of an excise duty on Oude salt, introduced early in 1859, has been abolished, and from October last the manufacture has been entirely suppressed. This course was advocated by the Chief Commissioner, who foresaw that Oude could only raise

raise a revenue from salt by injuring that of the North-Western Provinces. A duty equal to that levied in the North-Western Provinces would have effectually crushed the manufacture of Oude salt, and a lower rate would have encouraged illicit importation into those Provinces. The authorities there had already began to take alarm. The views of the Chief Commissioner met with the approval of the Supreme Government. The revenue realised from the excise system during the past year, amounted to 3,80,913 rupees.

97. The Chief Commissioner did not anticipate any success from the system of opium management introduced on the re-occupation of the Province. He has lately furnished a report on the subject called for by the Home Government, and has recommended the abolition of the present contract system and the establishment of opium agencies at Fyzabad and Seetapore, for the exclusive purchase of the drug on account of Government. Sanction has just been accorded to the scheme. The Board of Revenue have lately raised the price given at the agencies to four rupees a seer, which will, the Chief Commissioner thinks, prove a stimulus to increased cultivation. At the request of the Board of Revenue he has given every facility for the purchase of last season's crop by factory agents.

Section III.—Education.

98. In the course of the year the Chief Commissioner expressed his views on the general question of native education in a report called for by the Government of India. The stringent interdict against expenditure in this department has been so far relaxed, as to allow of support being given in the way of Grants-in-Aid to the superior schools for the education of the sons of talookdars and of the leading native gentry, which the Chief Commissioner has laboured to establish. In August last he addressed a circular to the district officers, explaining the urgent necessity that existed for imparting the elements of European science and knowledge to the sons of the great landed proprietors, and particularly recommending the acquisition of the English language as affording them the means of freer intercourse with the European officials.

99. The latter have exerted themselves greatly in furtherance of the object. Excellent schools of a superior order have been established at Seetapore, Fyzabad, and Pertabgurh, to which grants in aid will be extended on the prescribed rules. A good school has also been set up at Gondah by private subscription. Maharajah Maun Singh, who is keenly alive to the advantages of education, and possessed of no small attainments himself, has contributed in the most liberal manner to the Fyzabad school. Altogether 7,504 rupees donation, and 7,951 rupees annually have been subscribed by the native gentry. The Chief Commissioner hopes it may be possible to make that noble institution, the Martinière College, available for promoting the education of the younger members of the great landed families.

Section IV.—Public Works.

100. The operations of the Department of Public Works during the year have been almost exclusively confined to "military works," viz. the fortifications and demolitions at Lucknow, and the provision of accommodation for European troops. The limitation of funds, consequent upon the condition of the finances, has necessitated the expenditure on work of "internal improvement" being restricted to the repairs of the Lucknow and Cawnpore road, and to the opening out of temporary lines of communication between the several Military Stations.

Part I.—*Communications.*

101. The Lucknow and Cawnpore road, 48 miles in length, has received very extensive repairs, and has been kept in excellent order. Two of the roads radiating from the stone bridge fort, and aggregating 4½ miles in length, which have been pierced through the city of Lucknow, have been cleared and levelled from a width of 40 feet to the full width of 150 feet, and a coat of metal has been given to them. The remaining imperial lines of road passing through, or in the immediate neighbourhood of the city, aggregating nine miles in length, have also been kept in good repair.

102. It was mentioned in the last report, that arrangements had been made for the speedy repair of the military lines of communication between the several stations. The whole extent of roads indicated has been opened out and rendered passable at all seasons of the year. The greater bulk of the expenditure has been devoted to that portion of the very important road between Fyzabad and Allahabad, which falls in this province.

Fortifications.

103. The defensive works of the stone bridge fort at Lucknow have been much improved, and several ruined buildings in the interior of the fort have been cleared and levelled. The Residency fort was commenced in the month of June 1859, and, agreeably to the express orders of the Supreme Government, the works were pushed on with great vigour. About two-thirds of the earthworks have been completed, but none of the interior buildings have been yet commenced. A question has lately arisen, and has been referred to a committee, as to whether it is advisable or not to modify the original scheme for the Lucknow forts, and pending a decision on this point, the works of the Residency fort have been suspended. The total sum expended on fortifications amounts to 1,85,507 rupees.

Demolitions.

104. Owing to the limitation of funds, but little progres has been made during the year in smoothing the demolitions. It is hoped, however, that during 1860–61 the greater portion of the ruins will be cleared and levelled, 42,892 rupees have been expended during the past year on this account.

New Cantonments.

105. The exertions of the Engineer Department have been mainly devoted to the duty of constructing barrack accommodation at the stations of Lucknow, Seetapore, Sultanpore, Gondah, Roy Bareilly, and Fyzabad. Out of a total expenditure of 28,50,557 rupees on "Military Works," the sum of 26,22,158 rupees has been expended on barrack accommodation. On the 1st May 1860 74 barracks were occupied, and 52 others were in various stages of progress at all the stations; in addition to these 168 subsidiary buildings, including hospitals, guard-rooms, out-offices, &c., &c., had been completed, and 128 more were in progress.

106. Out of a total force of 6,102 men throughout the province, 5,281 were in barracks on the 1st May, the remainder, 821, being still in the huts which had been constructed for temporary accommodation in the previous year. At Lucknow the resources have been ample, and the whole of the force has been in barracks for several months; but at all the out-stations the supply of both labour and materials has proved very deficient.

Part II.—*Railroads.*

107. The engineers of the Oude Railway Company were engaged during the past cold season in making preliminary surveys, with a view to determine the best line of country for the construction of a railway from Cawnpore to Lucknow, and thence to Fyzabad. Their reports have been submitted to Government. In connexion with the scheme of railway communications, traffic returns have been prepared on all the principal roads in the province. A general abstract of these returns is given in the Appendix. A full report on the subject of railroads in Oude has been submitted to Government by the Chief Commissioner.

Part III.—*Canals and Irrigation.*

108. The Chief Commissioner has exerted his influence during the past year to induce the talookdars to make use of the Persian wheel, hitherto unknown in Oude, for purposes of irrigation. Major Thelwall, Commanding 9th Punjab infantry, at Fyzabad, kindly lent two of his men who were well acquainted with the principles of the Persian wheel, and by their assistance Rajah Roostum Shah has made two.

109. In

109. In Pertabgurh seven have been made, but in that district, which is very populous, and labour consequently cheap, the expense of construction of a wheel is a drawback. Maharajah Maun Singh has also constructed one of these wheels, and proposes to introduce them generally throughout his estates. In the Baraitch Division, Persian wheels have been set to work in the estates of the Maharajah of Balrampore, and the Rajah of Kapoorthulla, also in Singa Churda, and are highly appreciated by the people. The water in the districts of this division is so near the surface, and the cost of sinking wells so small, that it is doubtful whether this improved method of irrigation will ever be generally adopted. In the Khyrabad Division two Persian wheels are in daily use at Seetapore, and one has been introduced in the Government garden at Durriabad; several others are ready for use at Seetapore, where great interest has been taken in the subject. A wheel has been erected on the banks of the River Sarayen as an exemplar, and the Chief Commissioner trusts that its success may stimulate the landholders to make use in this way of the various streams which intersect the province for purposes of irrigation. There can be no doubt that labour is much economised by the use of the Persian wheel.

Part IV.– *Miscellaneous Roads and Bridges.*

110. The district officers have been busily engaged during the past season in opening up the internal communications of their districts. The old main lines of road have been repaired. New lines have been surveyed and aligned. Care has been taken that those roads which pass through several districts should be marked out by the several district officers in communication with one another. Great stress has been laid on the necessity for bridging nullahs in a rough, cheap style, and thus rendering the roads passable at all seasons. The progress made on these works is satisfactory, and holds out every hope that, in a very few years, the internal communications of the province will be in an efficient state. Thus 883 miles of new roads have been completed, 450 miles of old roads have been repaired, 327 miles of road have been aligned, and 114 bridges, some of large span have been built. These works have principally been executed from the road funds, aided by the grant of a lakh of rupees mentioned in last year's report.

111. The ferry collections, after payment of the cost of collection and current expenses, have been kept in deposit, with a view to an apportionment of the whole at the end of the year over the several districts, on a system similar to that which prevails in the North Western Provinces. The ferries on the Ganges are under the control of the Government, North-Western Provinces, as also are those on that portion of the Gogra, which flows between the two Provinces. One-third of the collections is remitted annually by the accountant, North-Western Provinces, and included in the allotments of this Province.

112. There are only two bridges of boats maintained on the Gogra—one at Bhyramghat, the other at Fyzabad. The former, though situated at some distance from the head-quarters of any district, more than pays for the cost of maintenance. The latter has lately been placed under the charge of the Public Works Department by orders of Government. These bridges are at present constructed of boats hired for the purpose, but this is an expensive system, and the withdrawal of so many boats from the river has been found materially to affect the traffic, and measures will be taken to replace the hired boats by boats built for the purpose.

113. The total income and expenditure of the road and ferry funds was as follows:—

DIVISION.	Road Fund.			Ferry Fund.		
	Collections.	Expenditure.	Balance.	Collections.	Expenditure.	Balance.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lucknow - -	65,594 15 8	35,097 14 2	30,497 1 6	6,361 – –	1,221 – –	5,140 – –
Fyzabad - -	56,311 4 9	34,620 8 7	21,690 12 2	19,152 10 10	13,506 11 1	5,645 15 9
Khyrabad - -	54,405 – –	22,298 – –	32,107 – –	28,594 – –	1,243 – –	27,351 – –
Baraitch - -	39,413 9 10	30,256 14 4	9,156 11 6	55,907 11 4	9,055 1 3	46,852 10 1
Total - Rs.	2,15,724 14 3	1,22,273 5 1	93,451 9 2	1,10,015 6 2	25,025 12 4	84,989 9 10

Public Buildings.

114. The court-houses, according to the sanctioned plan, have been completed at all the stations except Baraitch, where accommodation existed. A temporary cutcherry has been built for the Commissioner at Seetapore. Buildings have been erected for the postal department at Lucknow and Sultanpore, and staging bungalows on three of the imperial roads. In the absence of funds for the construction of tehseel posts, recourse has been had to the best temporary accommodation that could be provided. In some places native houses have been available, and have been converted into good permanent tehseels; at others temporary provision has been made at small cost.

Encamping Grounds.

115. Land has been taken up for encamping grounds on all the main roads of the province, and compensation awarded.

Section V.— Post Office.

116. The establishments required for the conveyance of the district dâks have been placed on a permanent footing, and sanctioned by Government. A vast number of letters have been carried by the district dâks, and the small proportion of letters undelivered shows that the postal communications have been well arranged, considering the number of movable columns in the Baraitch and Gonda districts, the positions of which were constantly changing, and the number of regiments removed from the districts; altogether, it is a matter of surprise that so many addresses were traced. The following statement shows the result of the postal arrangements:—

DIVISION.	Number of miles of Dâk lines.	Number of Runners.	Cost.	Number of Covers delivered.	Number of Covers undelivered.	Total Number of letters.
			R .			
Lucknow - - -	383	92	4,801	33,519	5,128	38,647
Khyrabad - - -	368	80	4,750	51,113	2,990	54,103
Baraitch - - -	525	132	7,198	29,805	5,110	34,915
Fyzabad - - -	328	76	5,319	22,234	5,083	27,317
Total - - -	1,604	380	22,068	136,671	18,311	154,982

Section VI.—Electric Telegraph.

117. The telegraph communications, as reported last year, have been maintained. The line from Fyzabad to Gonda has lately been given up, as also that from Roy Bareilly to Futtehpore.

Section VII.—Marine.

118. The Chief Commissioner regrets that the navigation of the Gogra has not been sufficiently regular to admit of his drawing any conclusions as to the ultimate results. The experiment has not yet had a fair trial. Steamers have come up to Fyzabad one month and not the next. Merchants have had their goods waiting in vain, and the uncertainty has induced them to seek other modes of transit; but the Chief Commissioner retains his opinion, that a regular and punctual steam communication with Calcutta would be remunerative. According to the opinions expressed by the commanders of these steamers, which have come up, the navigation is very easy, sands being less shifting than in the Ganges. With a rather better organized pilot establishment, the trip, they all state, would be an easy one. The pilots are all under the authorities of the North Western Provinces.

Section VIII.—Finance.

119. The expenditure in the province during the past year has been exceptional, owing to the requirements of the engineer department for military purposes. A considerable saving, however, has been effected by reducing the charges of the military police and the strength of the military garrisons. The payment of gratuities to the officers and men of the military police brought under reduction has formed a heavy charge against the revenues of the province, which will not occur again. The larger operations of the finance of 1859–60 may be stated as follows:—

Receipts.

	Rs.	a.	p.
Cash Balance on 1st May 1859	38,59,729	1	–
Local Receipts	2,94,72,277	–	3
Supply Bills	29,37,043	9	1
Other Bills	63,00,900	15	3
Remittances	21,69,119	5	2
Total Rs.	4,47,39,069	14	9

Disbursements.

	Rs.	a.	p.
Local, including Military Police	2,28,03,601	13	4
Military including Public Works Department	1,48,31,305	–	2
Assay Operations	3,73,890	–	–
Supply and other Bills	40,40,017	12	8
Disbursements on account of Government of India, Bengal, &c.	1,29,000	12	6
Cash Balance on 1st May 1860	25,61,254	8	1
Total Rs.	4,47,39,069	14	9

120. The Assay Master has, during the past year, brought to a conclusion his analysis of the local coins and embodied the results in a statement which has been submitted to Government. These coins are received at the several Treasuries at their ascertained value, but are not re-issued. They are made over to the assay office, where they are broken up and sold as bullion, being readily bought up by the native bankers. In this manner local coins to the value of 3,73,890 rupees have been withdrawn from circulation. The Chief Commissioner has recommended the abolition of the assay office; the work of defacing and selling local coins he would entrust to the officer in charge of the Lucknow Treasury.

121. Strenuous efforts have been made to adjust the inefficient balances of the several treasuries. These balances, which at the commencement of the year amounted to *Rs.* 51,91,872. 7. 11., have now been reduced to *Rs.* 41,92,590. 5. 5. The principal balances now remaining unadjusted are on account of advances to the military police, but the Civil Auditor is using his utmost exertions to get these cleared off.

Division.	1858-59.			1859–60.		
	Rs.			Rs.		
Lucknow	31,22,353	11	–	20,33,422	9	7
Fyzabad	7,42,209	1	2	6,50,138	7	10
Khyrabad	7,85,128	10	1	7,51,289	3	5
Baraitch	5,42,181	1	8	7,57,740	–	7
Total Rs.	51,91,872	7	11	41,92,590	5	5

Section IX.—Ecclesiastical.

122. Temporary churches, at a cost varying from 12,000 to 17,000 rupees, have been commenced at Lucknow, Fyzabad, and Sectapore; those at the two former stations being in a forward state, whilst that at the latter has only just been commenced. Churches have also been sanctioned for Roy Bareilly and Gonda, and a Roman Catholic chapel at Lucknow.

123. The Civil Church in Lucknow, designed by Major Hutchinson, approaches completion. The cost of this edifice has been defrayed from the penal fines levied on the city of Lucknow.

Section X.—Political.

124. The last Annual Report left the remnants of the rebel forces in Nepaul, to the number, as was then supposed, of 7,000 or 8,000 men, after the vain attempt to break across the Gogra in May. To guard against their incursions, the frontier from Goruckpore to Rohilcund was watched by 2,500 military police, posted at intervals along the line of frontier, and supported by regular troops at Gonda and Baraitch. Throughout the rainy season frequent inroads on our territory were made by bands of plunderers, who were, however, always promptly met and dispersed by the military, whose courage and vigilance were most conspicuously displayed. This state of things continued till the close of the year, when determined measures were taken by his Excellency Maharajah Jung Bahadoor, in concert with our Government, to get rid of this source of annoyance and of danger to the friendly relation of both states. The plan of operation pursued was for the British troops to guard our territory and prevent any hordes of rebels from entering it, while strong Goorkha brigades, under the personal direction of the Maharajah, advanced upon them from the east. In pursuance of this plan, the Maharajah had induced the various rebel bands scattered about the Nepaul hills to rendezvous in the Terai, north of Goruckpore. These measures proved entirely successful; the rebels were surrounded, disarmed, and made over to the British authorities; scarce any resistance was made, except by the notorious Benee Madho, who, refusing to obey the summons of a Goorkha officer to quit the hills, was killed, along with his brother and some followers, in a collision that ensued.

125. Thus some of the most blood-stained leaders of the insurrection fell into our hands; notably Mummoo Khan, Khan Bahadoor Khan of Bareilly, and Jwalla Pershaud, a principal actor of the Cawnpore massacre. No doubt can be entertained of the death, from fever, some time previously, of Nana and Bala Rao. The same malady proved fatal to Azeemoollah, the other instigator of the Cawnpore massacre. Of Oude talookdars who fled into Nepaul on the re-establishment of British authority, and who had rejected repeated invitations to surrender on the faith of the amnesty, the Rajahs of Gonda and Boondee died early of fever. The only Oude chieftain of any importance now at large, is the talookdar of Churda, who lurks about the lower range of hills, where he has connexions.

126. The last embers of the insurrection were thus finally trodden out before 1st January 1860; and on a review of all the circumstances, the Chief Commissioner is disposed to think he greatly underrated the numbers of the rebel forces, who were driven into Nepaul by the Commander in Chief, on the conclusion of the campaign of 1858. When we consider the havoc fever made among the chiefs, who had the means of procuring some alleviation of the miseries attendant on their situation in a malarious country, we may judge of the mortality among the common men. The condition of the persons who from time to time were captured, or ultimately made over, attested the deadly effects of the climate. Many were killed in the encounter with our troops, many more stole away to their homes in small parties, and upwards of 2,000 were made over by the Goorkhas. On re-consideration, therefore, the Chief Commissioner is inclined to estimate the numbers that entered Nepaul with the Begum at 25,000.

127. The events above described were confined to the extreme frontier, in the Province the most profound tranquillity has reigned throughout the year. The work of disarming the population was for some time carried on with the greatest rigour, which gradually abated as the necessity for it diminished; and the search for arms has now almost entirely ceased, since there is good reason to believe that not one-fifth of the weapons remain, and those are buried under ground, where, in the absence of any effectual means for preserving them, they will now become useless. The Chief Commissioner adheres to the opinion expressed in his last Report, that, inexorably as this measure has been carried out, it has been viewed as a wise and necessary act of self-defence, and has brought no lasting unpopularity on the Government. The penalty of partial confiscation of their estates has been enforced against some talookdars, who, with inconceivable obstinacy

obstinacy and blindness, evaded the stipulation in their settlement engagements for the surrender of their cannons; but these examples have had the effect of inducing others to give up the guns they had hitherto concealed, and the Chief Commissioner cannot suppose many more are left. The annexed tabular statement shows results, and furnishes the best refutation of the statements that have been made, that not half the arms in Oude have been surrendered. It must be borne in mind that no account has been kept of those taken by the military columns in 1858–59.

Arms taken in 1859-60.

Cannons	187
Fire-arms	54,330
Swords	1,47,127
Spears	11,468
Miscellaneous	61,232

Total taken from commencement of Disarming operation in 1858.

Cannons	714
Fire-arms	1,91,723
Swords	5,78,491
Spears	51,080
Miscellaneous	6,42,137

128. The demolition of forts has also been rapidly proceeded with, and has been so completely effected, that scarce any now remain, save what are required for Government purposes. The few entered as still undemolished in the returns are already ruinous and have been deserted for many years; except in a few cases, where, from the immense size of the works, the complete levelling of every foot of the walls would have entailed enormous expense, the destruction has been most complete. The walls and bastions have been entirely thrown down, and the ditches filled up, and the jungle that surrounded them has been cleared for a space of 400 yards all round. In a few years, the travellers in Oude will have difficulty in discovering even the trace of a fort.

Tabular Statement of Forts destroyed up to 1860.

Number of forts	1,635
Number already destroyed	1,572
Number under demolition	13
Number retained for public purposes	50

129. The Chief Commissioner had, early in the year, represented to the Government the uneasy state of feeling that prevailed in consequence of a belief in the temporary nature of the settlement arrangements just concluded. He dwelt on the fears entertained by the talookdars, and the unreasonable expectations indulged in by the village proprietors of a return to the policy of 1857. The remedy was a declaration of the permanence of the settlement concluded with the talookdars as against the right of the village proprietors to engage. This course was adopted, and it was announced by his Excellency the Governor General in a Durbar attended by 150 of the chief talookdars of Oude, that the ancient talookdaree system of Oude had been revived and perpetuated. At the same time sunnuds or title-deeds were given for the estates to every landholder present.

130. It is impossible to over-rate the beneficial results of His Excellency's visit to Lucknow, and of the assurances there given by His Excellency in person. The most thorough confidence and conviction of the settled policy of the administration took the place of distrust and vague expectation of change. The talookdars at last believed in the reality of their pardon, with the suspicion natural to men who had been used to live under faithless rulers; they could not at first bring themselves to believe that the British Government would really forgive them the part they had taken in the rebellion, and it is certain that many of the less intelligent attended the Durbar with serious fears for their personal safety. Many, indeed, beheld Lucknow for the first time in their lives, and would never have responded to the summons of a native ruler to repair thither. But these apprehensions were all dispelled, and the most marked change was apparent in the demeanour of the talookdars after the Durbar. The Chief Commissioner has since traversed every district in Oude, and made the personal acquaintance of almost every landholder of consideration in it, and he cannot be deceived on this point. He feels assured that the talookdars have been completely won over by the generous policy pursued towards them, and that they would rejoice at an opportunity of displaying their gratitude to the Government. If their military services were required, the Chief Commissioner is convinced they would be rendered with enthusiasm.

131. The question of making primogeniture the rule of succession in great talookdaree families, a measure strongly advocated by the Chief Commissioner, is now under his Excellency's consideration.

132. The temper of the other classes of the population appears also favourable, The village occupants, convinced at last that our policy was unalterably fixed. have cheerfully accepted the subordinate position under the talookdars, a connection in which the great majority had lived happily for generations, and would at annexation have been contented to remain, had we not almost forced independence upon them.

133. By far the most important political measure of the year has been the bestowal of magisterial and revenue powers on certain great talookdars. This remark applies only to the five first invested in November 1859, for the large increase subsequently made to the number, did not take place till quite at the close of the period under review. The aim of this measure has been defined by his Excellency the Viceroy to be "to turn to the purposes of good government the influence that the hereditary Chiefs of Oude legitimately possess," and to "knit them to the administration of their country." The exercise of the authority thus conferred is at present confined to their own estates, which however, in many cases present a sufficiently wide area, and within these limits they are in an analogous position to that of a Government tehseeldar, who is also a magistrate. They enjoy the same confidence, and act under precisely the same checks and supervisions. Within these limits there is no authority but their own. A code of elementary rules, copy of which is subjoined, has been drawn up by the Chief Commissioner for their guidance.

See ante, pp. 56 to 59.

134. The Chief Commissioner has watched the progress of this experiment with intense interest. He has not waited for official reports, but has been in constant communication with the local officers on the subject, and has himself examined many of the cases decided by talookdars, and he can truly say that his expectations have, up to this moment, been more than realized. The Chief Commissioner had some doubt whether the talookdars might not dislike the labour that these new duties would impose on them; but this anticipation has not been fulfilled. On the contrary, there are indications of a spirit of emulation having been aroused. Of none of these talookdars do the local authorities speak in other terms than of praise, in regard to their discharge of these functions. Most have had but little to do, for naturally most revenue cases are amicably settled out of court, but that little they are described as having done carefully and well. The duties have pressed most severely on Maharajah Maun Singh, as his estates are the most extensive and thickly peopled by litigious classes. His proceedings have been marked, not only by the high intelligence for which he is renowned, but also by the strictest sense of justice.

135. The Chief Commissioner is convinced that the exercise of this authority by the landed aristocracy must contribute greatly to the happiness of the people, and that when the talookdars have acquired more experience, it must lighten the labours of the European officials: not a hint is given in the reports of the latter of any tendency to abuse these powers, nor are any forebodings expressed. Indeed the Chief Commissioner notices, with much gratification, that divisional and district officers have responded to the call he made on them to co-operate heartily with him, in carrying out this great measure. He feels bound to say, that from all he has heard and read in their communication, they have no "*arriere pensée*;" but that those who would have expressed objections to the measure, had they been consulted on its introduction, are now bent only on ensuring its success.

136. And even those talookdars whom it has not been thought expedient to invest with this authority, it has been the aim of the Chief Commissioner to free from harassing and vexatious restrictions, and to continue in the enjoyment of such harmless privileges as they exercised under the Native Government, and the loss of which seriously lowers their dignity in native estimation. Thus he has directed that the contract for ferries on rivers, or for the octroi duties in towns (where such duties are levied), situated within the limits of their estates, should be given to them in preference to a stranger; and he has greatly encouraged the practice of first referring complaints of a trifling character from their tenants to them for adjustment, with the expression of a hope that they will satisfy the demand if reasonable, and thus prevent the case being brought into court. The reports of the district officers show that this plan has worked very well. The Chief Commissioner's wish is to treat the talookdars as gentlemen of property and station, whose interests are identified with those of the Government—who are its natural-born adherents, not opponents, as they have too frequently been considered by our officials; and this view he has inculcated on his subordinates. All district officers have been desired to hold weekly reception of the native gentry, to visit them on their estates during the cold weather, and to communicate with them as much as possible direct, and not through native subordinate officials,

officials, who designedly often adopt an uncourteous tone. The Chief Commissioner believes that the relations between the native aristocracy and the servants of Government are on a freer and kindlier footing in Oude than in most parts of India.

137. The imposition of a tax on trades and professions, though strictly a financial measure, has so important a political bearing, that it may be most properly adverted to under this section. A detailed report on the execution of the measure has been submitted to Government; it will therefore be sufficient to mention here that the principle on which the scheme is based, is to take 3 per cent. on incomes, and having roughly estimated the amount thus due from the rateable inhabitants of each village or town, to leave the distribution to the people themselves. In talookas this work has been mainly entrusted to the talookdars who have zealously co-operated in it, and prevented an undue share of the burden being thrown on the poorer classes to ease the rich. The amount imposed is 11 ¼ lakhs. With the exception of the city of Lucknow no difficulty whatever has been experienced in the distribution of the assessment or in the collection of the tax. The whole has been paid up in Roy Bareilly and in the districts of Pertabgurh, Sultanpore, Lucknow, Oonao, and Fyzabad—the first instalments have been realised. All the Commissioners agree in stating that the appeals regarding the tax have been very few, and that those preferred related always to the amount distributed on the individual—not to the nature of the tax. In the city of Lucknow some discontent and recusance have been manifested, though coercive processes have been but very rarely resorted to. The Chief Commissioner anticipated some difficulty in the city. The wealthy mercantile classes are always those who most object to being called on to contribute to the expense of the State, though they endeavour to conceal their selfishness under their mask of sympathy for the poor. The Chief Commissioner can confidently assert that, when he submitted his report of the measure, not a murmur had been heard, though the tax had then been partially collected in some districts, and any slight expressions of discontent that have subsequently been manifested in the districts have arisen mainly from the delay in introducing a similar system of taxation in the North-Western Provinces. The people of Oude very naturally did not like to see their neighbours better off than themselves, and did not believe our assurances that their turn would come, and they hoped that by this agitation they would intimidate the Government from persevering in its measure. The following statement shows the amount of collections made up to the 1st May last, since which date the collections have largely increased. It will be seen that the average per head is by no means heavy:—

DIVISION.	Assessment.	Number of Tax-payers.	Average per Man.	Collections.	Balance.
	Rs. a. p.		*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*
Lucknow - - - -	5,03,523 - -	156,919	3 3 4	2,63,997 - -	2,39,526 - -
Fyzabad - - - - -	2,11,423 - -	120,169	1 12 1	65,357 13 11	1,40,065 2 1
Khyrabad - - - -	2,29,753 - -	111,982	2 - 9	71,045 - -	1,58,708 - -
Baraitch - - - -	1,88,142 8 -	113,398	1 10 6	25,506 6 6	1,62,636 1 6
TOTAL - - *Rs.*	11,32,841 8 -	502,468	2 4 -	4,25,906 4 5	7,06,935 3 7

N. B.—A statement showing collections up to end of June is given in the Appendix.

138. In consequence of the imposition of the tax, the Chief Commissioner has thought it just and politic to abolish the octroi duties, the levy of which have been general throughout the Province, and operated as a restriction on trade; for in practice they approached closely to transit duties. He has confined their collection to large towns, where a special town police is required, and then has restricted the amount to the sum necessary to defray the cost of such a force. In fact, octroi duties exist only as a substitute for the house cess common in the older Provinces, to which they are much preferred.

139. Just at the close of the year, or during the month of April, the circulation of mysterious letters became pretty general throughout Oude and the North-Western Provinces. The style of those letters varied, but their general purport was that there was sickness in the land, and the Deity should be propitiated with prayer and offerings, and the invariable conclusion was, that three copies of the letter should be made and distributed to the neighbouring villages—nearly all professed to originate from a holy place beyond Mirzapore. The village police were made the medium of their distribution. Opinion is much divided, whether they had a political signification in connexion with the measures of taxation in contemplation throughout India, or referred really to the object indicated; for the cholera was then raging in Oude and the adjoining districts of the North-western Provinces. The Chief Commissioner inclines to the latter; but as it is open to great doubt, and there can be no question that this system of communication might be made a dangerous engine of political combination, and was so employed in the chuppattee distribution of 1857, he issued an order interdicting the village police, under severe penalties, from obeying the commands of any but the Government or the landholders, and holding the latter responsible that no circulation of letters or missives of any kind should take place on their estates. It is just to observe, that the first landholder who brought this mysterious occurrence to the Chief Commissioner's notice was Maharajah Maun Singh.

140. The work of laying down the boundaries of the former Goorkha possessions below the hills, now about to be restored to Nepaul, has been accomplished during the cold season by the Commissioners of the two States, and a full report of the proceedings has been submitted. From 1st May revenue ceased to be collected in the tract in question, and those talookdars whose estates lay partially within its limits have formally resigned all proprietary rights in it, on being compensated with grants of confiscated land in other parts of Oude.

141. A report on an administration conducted on the great principle of recognizing a powerful landed aristocracy as an important element of political prosperity would be deficient if it did not formally notice the chief landed proprietors of the province. The conduct of these gentlemen has been almost, without exception, exemplary; and this is no doubt attributable in great degree to their having been treated with friendliness and confidence instead of with jealousy and distrust. The Maharajah of Bulrampore has won all hearts. By his known benevolence and reputation for fair dealing in his own hereditary estates, he is said to have completely conciliated the tenantry in his new property of Toolseepore, who were at first ill-disposed to receive a strange master. Than Maharajah Maun Singh, the Chief Commissioner does not believe the British Government has a subject more thoroughly devoted to its interests. The moderation and paternal mode of treating his tenantry, evinced by Rajah Roostum Sah, are warmly commended by the district officer. Rajah Hurdeo Bux is not only a chief of tried loyalty, but a most benevolent landlord. The following, all deserve honourable mention, either for the assistance they gave in introducing the tax on trades and professions, their excellent management as landlords, or for the support they have invariably rendered to the local authorities:—

Lall Shunker Bux; the Rajah Moorarmow; Ghuzzuffur Hoosein; Rajah Madho Pertab Singh, of Koonwur (Fyzabad); Hunwunt Singh, Kalakunkur, and Surrubjeet Singh, of Pertabgurh; Shere Bahadoor, Talookdar of Kumiar; Nyput Singh, of Purka, District Gonda; Mirza Ahmed Beg, of Kootubnuggur, and Shumsher Bahadoor, Talookdar in the Seetapore District; Fuzzool Russool and Mahomed Ushruf, Talookdars of Asufpore, in Hurdui District; Rajah Gowree Shunker, of Marawan, and Rajah Kashee Pershaud, of Sissendee, in the Lucknow District; Thakoor Ramabux and Hakeem Kurreem Ali, in the Durriabad District; the Rajah of Tiloee, in the Sultanpore District.

Section XI.—Military.

142. There is little to be said under this head, as except on the frontier of Nepaul, in which quarter the operations have been elsewhere described, no occasion

occasion for the employment of the regular troops has arisen. The strength of the military force now in Oude is as follows:

4 Battalions Royal Artillery	713	
1 Troop Horse Artillery	109	
2 Companies Foot Artillery	174	
		996
1 Regiment European Cavalry	693	
5 Regiments Irregular Cavalry	2,582	
		2,275
6 Regiments European Infantry	4,969	
4 Regiments Native Infantry	3,039	
		8,008
		12,279

143. The Chief Commissioner believes it might be reduced by one European and one native regiment of infantry at least.

Section XII.—Miscellaneous.

Population.

144. The population of Oude has been estimated by both civil and police officers, at between six and seven millions, and on full consideration the Chief Commissioner cannot think it less than six millions. The cholera, which made its appearance in March, has committed frightful ravages in most of the districts of the province, and particularly in Pertabgurh, Sultanpore, Fyzabad, Baraitch, and Gonda:—65,000 persons are reckoned to have died from its effects.

Emigration.

145. The attempt to induce the families of convicts to join their relations in the Andaman Islands has been decidedly unsuccessful. The Deputy Commissioners used their utmost endeavours to induce the families, wherever they could be found, to emigrate, but on very few occasions were they successful. A great many of the letters sent by the superintendent of Port Blair could not be delivered, owing to the incorrectness of the address.

Agriculture and Horticulture.

146. The Chief Commissioner has directed horticultural gardens to be established at each district, to be supported primarily by the road and ferry funds, for the purpose of rearing seedling trees and plants of the more useful kinds, and to encourage talookdars to interest themselves in arboriculture, and in introducing improved staples of agriculture; eventually these gardens will be self-supporting. Fifteen cwt. of New Orleans cotton seed has been procured by the Deputy Commissioner of Seetapore, and it is intended, through the talookdars, to try how far it will succeed. A specimen of Seetapore grown cotton was sent to the Manchester Cotton Supply Association, and valued 6½*d.* per lb., which holds out good hopes that the soil of the Seetapore district is favourable to the growth of this useful plant. A small supply of seed of the same kind has also been received from Government, and distributed throughout the province. The results will be mentioned in a future report.

Forests.

147. Until the limits of the territory about to be ceded to Nepaul had been defined, and the quality and extent of the forests left with this Province had been ascertained, no permanent scheme of forest management could be decided upon, and the interim system commenced in 1857, and renewed in 1859, has therefore been continued throughout the past year. Under this any one, on payment of four rupees a tree, is permitted to cut the number of trees applied for, subject to certain restriction as to the size and description of the timber. A small establishment to guard against infraction of the rules has been entertained. The revenue derived under the system has amounted to 2,42,079 rupees in the

past year, and the expenses of management have been 5,489 rupees, leaving a balance of 2,36,590 rupees, as shown below:

DISTRICT.	COLLECTIONS.	DISBURSEMENTS.	BALANCE.	PER CENTAGE OF MANAGEMENT.
	Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	
Baraitch - - - - -	66,641 13 3	779 8 6	65,862 4 9	
Gonda - - - - -	92,722 10 3	474 2 10	92,248 7 5	
Mohumdee - - -	82,714 13 6	4,235 11 10	78,479 1 8	2·26
TOTAL - - *Rs.*	2,42,079 5 –	5,489 7 2	2,36,589 13 10	

148. Besides the income from timber, revenue is also derived from the lease of the grazing of the forests, and last year's leases are as marginally noted.

	Rs.
Khyreegurh Mohdee and Kunchunpore Pudnaha - - -	3,350
Baraitch Naupara - - -	1,076
Gonda Toolseepore - - -	1,500

149. The superintendence was transferred from Captain Hearsey to Lieutenant Clark, and then to Mr. Sparks, with great benefit to the department. The Chief Commissioner has now under consideration a plan for bringing the remaining forests more completely under Government management, which he will submit to the Government of India.

150. The above remarks apply to the valuable timber forests Trans-Gogra. In regard to the culturable waste lands throughout the Province available for grants to Europeans and others, a report called for by the Secretary of State has been submitted by the Chief Commissioner. The total area of these tracts was therein estimated at 507,112 acres. In the report the Chief Commissioner explained that, except in the district of Mohumdee, the waste lands north of the Gogra were of very limited extent, and had been mostly taken up by natives on the terms offered by him early in 1859. Other and more favourable rules for the grant of clearing leases of waste lands have lately been issued by the Chief Commissioner, with the approval of his Excellency, the principal features of which are, that a rent-free tenure of twelve years' duration is guaranteed under certain provisions for ensuring the gradual cultivation of the land, and that, at the expiration of that period, the cultivated portion will be assessed at the ordinary revenue rates. These terms are considered very liberal, and will, no doubt, lead to all the remaining tracts of waste land (except such as it is desirable to preserve for the sake of the timber) being quickly disposed of. The marginal statement shows the number of leases that have been granted. Care has been taken to leave to each village sufficient waste and jungle land for the pasturage of cattle, and only those continuous tracts, which are of such a size as to be quite beyond the power of the neighbouring villages to reclaim, have been separately leased.

Division.	GRANTS. No.	Extent.	To Europeans.
Lucknow -	195	44,332	0
Fyzabad -	199	65,482	6,196
Khyrabad -	40	46,104	0
Baraitch -	218	93,209	13,226
Total - -	652	2,49,127	19,422

Surveys.

151. The revenue survey of the Province has been commenced during the past year. The survey party under Lieutenant Anderson, after completing their work in the Punjab, arrived at Pertabgurh on the 18th December 1859. The officer deputed to demarcate the village boundaries, in anticipation of the arrival of the survey party, made over all the necessary papers on the 6th January 1860, when main circuits were laid out, field parties organised, and work started. Owing to the deputation of Lieutenant Anderson, with a portion of his establishment, as one of the Commissioners for defining the Nepaul boundary, the work did not progress so rapidly as it would have done under the personal superintendence of that officer, with the aid of his whole establishment. The progress, however, has been satisfactory. The tract of country surveyed comprises the whole of one tehseel, and contains approximately an area of 424 square miles. Difficulties incident to the prosecution of survey operations in a new province were

were experienced; but these will gradually disappear, and there is every prospect of this important work progressing rapidly to completion. A second survey party will enter the Province in October next. The duty of demarcating village boundaries in advance of the survey was entrusted to Mr. Bradford, an officer of great energy, experience, and judgment. He has more than realised the Chief Commissioner's expectations in the out-turn of his work. Commencing early in October with an inexperienced establishment, he has, during the past season, laid down the boundaries of every village in two entire districts. The total number of villages thus demarcated amounts to 3,789, and for each a separate map has been prepared. The total cost of the season's operations is *Rs.* 74,033. 2. 10., and the out-turn in square miles 3,630, giving a general rate on the whole season of *Rs.* 20. 6. 7. per square mile. Mr. Bradford was ably assisted by Mr. Garstin, Extra Assistant Commissioner, the late Rae Jwalla Pershad, and Syed Ali Hussun. The exertions of Mr. Bradford merit the Chief Commissioner's warmest praise. He did not discontinue operations till June. The demarcation of boundaries is now well ahead of the scientific survey. This work is attended with the most beneficial results in settling boundary disputes of long standing, which have proved a frequent source of affrays and bloodshed, and have led to much valuable land being thrown out of cultivation.

Conservancy.

152. The surplus proceeds of the Choongee Funds, after payment of the town police, added to the Nuzzool Funds, where such exist, have been expended in the conservancy of the sudder stations and other important towns. At Lucknow, where the local funds, arising from Choongee collections, rent of Nuzzool houses, and city fines, are very large, the committee have been actively employed in carrying out sanitary measures. The space of ground lying between the Kaiser Bagh and the Goomtee, has been cleared and levelled, and is being laid out as an ornamental pleasure garden. The Chutter Munzil has been repaired, and now presents an imposing frontage to the river. Several useful roads have been constructed, repaired, and metalled. The city streets are being gradually metalled, and improved drains constructed. At the east end of the town, close to the civil station, and extensive Gunj, forming a parallelogram of shops, with a covered market-place in the centre, has been built. The energy and zeal displayed by the local committee are highly commendable, and the execution of the works they have undertaken reflects great credit on their taste and skill.

153. In the Khyrabad Division, a spacious Gunj, containing 106 shops, has been erected at Seetapore, partly from local funds, and partly by private enterprize. The station of Seetapore has been considerably improved, and more than two miles of roads metalled on its main thoroughfare. A Gunj is also in course of construction at Hurdui, under the auspices of Rajah Hurdeo Bux and Thakoor Bharut Sing. The Deputy Commissioner of Durriabad, has opened a fine broad street through the town of Nawabgunj, and thus greatly improved the appearance of the place. In the Baraitch Division, the two stations of Lukhimpore and Baraitch have been entirely laid out anew, and at Gonda, great improvements have been made in the town, by widening streets and building market-places. The Commissioner and Deputy Commissioner remark on the great impetus given to the trade of this town by the location of European troops. It is at present one of the most thriving marts in the provinces. Similar improvements have been carried out at the several sudder stations of the Baiswarra Division. But while the Deputy Commissioners have thus exerted themselves to improve the sudder stations, they have by no means been neglectful of the requirements of the native community. Throughout the province serais for the accommodation of travellers have either been built, or are in course of construction at all the principal towns. An attempt was made to establish a horse fair, during the great annual time of bathing and pilgrimage at Misrik, in the Seetapore District, in March last. The attempt was successful for a beginning; several talookdars and native gentry exhibited their horses, and were successful competitors for prizes. About 300 horses and ponies were shown, and a few sales effected. The prizes, which were allotted from the municipal funds, amounted to 500 rupees, and were awarded by a committee formed of Captain Thompson, Deputy Commissioner, the officer commanding 8th Irregular Cavalry,

the adjutant of that corps, and three talookdars. Next year it is hoped, that elephants, plough bullocks, and milch kine, will be brought for sale.

154. The Chief Commissioner is endeavouring to improve the breed of cattle used for farming purposes, and also that of horses in Oude, by inducing talookdars to purchase good stock from the North Western Provinces, and especially from Hissar. The horned cattle are very small, and scarcely a good horse is bred in the province. The Chief Commissioner has every hope of ultimate success in this undertaking.

Dispensaries.

155. By the close of 1859, dispensaries had been actually opened, *i. e.* prepared for opening, at every civil station in Oude; but one or two did not actually commence operations till the 1st January 1860. Some of the rest were opened in 1858, others at various periods during the year under review. The returns sent in, therefore, have but little statistical value; indeed in many districts, no proper registers were kept up at all, and so no return of patients have been received.

156. It is however satisfactory to know that at least (in seven districts only) 5,721 persons were under treatment during the year, of whom 5,399 were discharged cured, and this at a total cost to Government of *Rs.* 5,800. 2. 9½.

Durriabad.
Hurdui.
Fyzabad.
Gonda.
Oonao.
Baraitch.
Lucknow Civil Dispensary.

157. Many of the persons thus relieved were rebels, wounded or reduced to the last degree of weakness by want and sickness.

158. The number who died appears to have been only 75, but even a considerable proportion of these were actually dying when received into hospital.

159. Private subscriptions to the amount of *Rs.* 1,330. 5. 4., have been received in aid of dispensary operations: a large proportion from native subscribers. Most of the dispensaries are at present provided only with temporary accommodation, but vigorous exertions were early begun to prepare suitable buildings, and it is hoped that these will be for the most part provided by the close of the present financial year.

160. Entirely independent of the above, are the operations of the King's city hospital at Lucknow, supported by an endowment made by Nusseerooddeen Hyder, King of Oude; this consists of two branches, one conducted according to the rules of native, the other of European science.

161. The notes in which these funds were invested were with much difficulty recovered, and the English branch was opened in April 1858, the native branch on the 1st September 1859. During the periods they were in operation, 2,708 persons attended the native, and 3,333 the European branch; 483 were discharged cured from the former, and 2,909 from the latter establishment. Forty-one persons died under the European treatment, only five under the native.

162. The building belonging to the European hospital, was destroyed in the mutiny: the arrears of interest on the notes recovered, will however suffice to restore this.

163. The total cost to Government of the dispensaries during 1859 was 8,616 rupees; the Schedules submitted for sanction for future years amounts to 13,176 rupees annually.

164. An hospital for the treatment of insane invalids, and a Lock hospital, have been established in the city of Lucknow, and have been found very useful.

CONCLUSION.

165. In conclusion, the Chief Commissioner desires to record his satisfaction with the officers of the Commission as a body, and more especially to bring the names of the following among them to the notice of His Excellency:—

166. Colonel L. Barrow, C.B., has filled various offices during the past year, and all with advantage to the administration.

167. The

167. The energy and judgment of Colonel Abbott have been conspicuous in the discharge of the heavy duties of his office, far exceeding those of any other Commissioner. To him, the city of Lucknow owes many of the improvements that now adorn it.

168. Colonel Clarke, Commissioner of Seetapore, has laboured heartily to carry out a policy foreign to his past experience.

169. The Chief Commissioner sets the highest value on the clear judgment of Mr. Simson, Commissioner of Baraitch.

170. Mr. P. Carnegy, Deputy Commissioner of Lucknow, has shown his accustomed energy and ability in the performance of his very arduous duties.

171. In Mr. Capper, Captain Thompson, and Major Evans, the Commission possesses officers of unusual ability. The two latter have especially succeeded in gaining, in a remarkable degree, the respect and confidence of the native gentry in their jurisdiction.

172. Captains Ross and MacAndrew, Lieutenant Chamier, Mr. C. Lindsay, Officiating Deputy Commissioner; Messrs. King, Elliott, Glyn, Sparks, Crommelin, Assistant Commissioners; Mr. Bickers, Mirza Abbas Beg, Adjoodhia Pershad Ramdyal, Mr. Kavanagh, extra Assistant Commissioners; all deserve that prominence should be given to their names.

173. Captain MacAndrew conducted the duties of the Secretary's office for three months, during the absence of Mr. Forsyth, to the Chief Commissioner's entire satisfaction.

174. Captain Reid, Deputy Commissioner of Sultanpore, did not return from Europe till late in the year, and has been employed during the greater part of the time as chief of police, in which capacity his experience as a civil officer has proved most valuable.

175. Captain Orr, it is believed, has retired from public employment. His knowledge of the province, and the respect entertained for his character by all classes of the population, gave his services a high value. It was with the regret of the Chief Commissioner that Mr. Forsyth left the office of Secretary for promotion in the Punjab; but his place has been most efficiently filled by Mr. Currie. Lieutenant Tulloch, Superintendent of District Roads, has rendered very efficient aid to the district officers, in aligning and surveying roads, and planning bridges.

176. The extraordinary and successful exertions of the Engineer Department, to complete the permanent accommodation for the European troops before the setting in of the hot season, reflect the highest credit on Major Crommelin and the officers under his orders.

177. The Chief Commissioner has been ably seconded by Colonel Bruce in his readiness to effect a reduction in the numbers and cost of the military police. The investigations conducted by that officer, have thrown much light on the history of the rebellion in Oude in 1857, and have materially contributed to bring to justice same of the chief actors in the massacres that occurred during that period.

178. Among police officers, the following deserve especial notice for their activity and intelligence, and the earnest desire they have shown to work in harmony with the district authorities:—Captains Barrow and Smith, and Lieutenants Danvers, Tweedie, Hewitt, and Sharpe. The extensive knowledge of Oude and acquaintance with the habits of its people that Major Boileau possesses, gives his services a peculiar value.

(signed) *Charles Currie*,
Officiating Secretary to the Chief Commissioner, Oude.

APPENDICES to the OUDE ADMINISTRATION REPORT, for 1859-60.

ABSTRACT STATEMENT showing the TRAFFIC in *Oude*, from 1 February to 28 April 1860.

DESIGNATION of ROAD.	Carts, One-Bullock.	Carts, Two-Bullock.	Carts, Three-Bullock.	Carts, Four-Bullock.	Carts, Five-Bullock.	Carts, Six-Bullock.	Carts, Seven-Bullock.	Mail Carts.	Parcel Van.	Passenger Carriage.	Bullock Train.	Bullock with Load.	Camel Carriage.	Bullock with Load.	Bullock without Load.	Asses with Load.	Asses without Load.	Elephants.	Buggies.	Camels.
Lucknow and Cawnpore.	117	1,131	361	4,579	266	99	6	209	517	1,458	3,138	–	4	951	4,866	86	124	37	78	396
Seetapore - - -	1	589	278	2,119	461	216	94	–	–	–	33	–	–	2,176	2,033	195	206	159	29	1,134
Shahjehanpore and Sundeela.	20	412	101	959	105	93	17	–	–	69	–	–	4	669	548	283	177	5	–	104
Lucknow and Byramghat.	32	1,114	676	7,593	575	85	6	–	–	98	–	–	–	4,698	4,430	170	119	93	14	520
Byramghat and Biswa	–	31	12	48	6	–	–	–	–	–	–	–	–	20	67	8	10	10	–	83
Fyzabad and Lucknow	21	4,476	571	2,482	507	124	5	–	1	–	47	3	1	2,984	3,647	129	182	59	7	1,197
Sultanpore District -	4	305	142	305	45	–	–	–	–	–	7	–	–	2,051	2,036	15	10	17	13	600
TOTAL - - -	195	8,058	2,141	18,085	2,055	617	128	209	518	1,625	3,225	3	9	13,549	17,627	886	828	380	141	4,034

DESIGNATION of ROAD.	Horses.	Bylees.	Buffaloes.	Banghy Burdars.	Passengers.	Sowar Horses.	Sowar Shootur.	Tattoo with Load.	Tattoo without Load.	Doolies, Two Bearers.	Palkee, Four Bearers.	Palkee, Six Bearers.	Ekka.	Bullock Battery.	Pigs.	Goats.	Mules with Load.	Mules without Load.
Lucknow and Cawnpore.	704	1,161	355	4,032	73,896	334	98	3,509	752	133	92	5	290	174	–	4,611	107	1
Seetapore - - -	959	1,283	772	1,680	90,398	8,431	111	4,458	1,067	338	132	263	31	82	277	1,708	77	44
Shahjehanpore and Sundeela.	44	842	615	498	37,815	1,390	203	3,420	2,307	264	50	37	5	–	13	4	3	2
Lucknow and Byramghat.	382	1,379	935	887	92,602	1,685	126	7,982	4,941	272	115	114	66	1	–	1,637	161	91
Byramghat and Biswa	103	40	26	130	10,492	483	8	549	130	34	11	19	4	–	–	102	5	–
Fyzabad and Lucknow	397	2,163	2,485	2,222	527,547	4,028	459	3,431	1,418	740	667	354	209	100	86	1,442	114	178
Sultanpore District -	296	205	425	291	43,681	1,632	20	940	529	38	63	55	95	–	23	884	14	16
TOTAL - - -	2,885	7,073	5,613	9,740	876,431	17,983	1,025	24,289	11,144	1,819	1,130	847	700	357	399	10,388	481	332

Lucknow, Chief Commissioner's Office,
30 July 1860.

Charles Currie,
Officiating Secretary to Chief Commissioner, Oude.

RULES for the Guidance of TALOOKDARS invested with MAGISTERIAL POWERS.

1. THE jurisdiction of the talookdar magistrate shall at first be confined to the limits of his estate, but may be extended hereafter beyond them, when he has acquired experience in the exercise of his judicial duties.

2. His powers will be the special ones of an assistant magistrate; that is to say, in felonies he can sentence to six months' imprisonment with hard labour in irons, and one month more in lieu of stripes. In misdemeanors he can sentence to six months' imprisonment with labour, but without irons; labour redeemable by a fine not exceeding 200 rupees; and in addition to the imprisonment he can fine to the extent of 200 rupees, commutable to further imprisonment for six months.

3. If the offence is one that requires no severer punishment than can be awarded under the above powers, the talookdar can himself pass final orders, sentencing the prisoner if he finds him guilty, and acquitting him if he thinks him innocent, or proof of guilt wanting. If, on the other hand, the offence calls for severer punishment, and he finds the prisoner guilty, he must record his opinion, and send the proceedings with the prisoner and witnesses before the Deputy Commissioner. If he considers the prisoner innocent, he can release him; but if he is in doubt on this point, he can admit the prisoner to bail, and send the proceedings, but not the witnesses, to the Deputy Commissioner.

4. In Oude stripes have been declared to be the appropriate punishment for burglary and theft without aggravating circumstances, knowingly receiving property obtained by simple burglary and theft, cattle stealing, perjury, wanton destruction of property, counterfeiting the coin, concealment of arms, unnatural crimes. Stripes cannot be inflicted by any officer exercising powers less than those of a full magistrate. If, therefore, he convicts the prisoner of any of the above crimes, he must always send him, with the proceedings, to the Deputy Commissioner; but he need not send the witnesses also, unless the offence is such as to require severer punishment than it would be in his power to impose, supposing stripes had not been substituted for imprisonment. For instance, the witnesses need not be sent in cases of wanton destruction of property, concealment of arms, or of theft without violence, in which the property stolen does not exceed 200 rupees value.

5. Assault, and affrays not attended with serious violence, trespass, fraud, sitting dhurna, abduction of unmarried women under 15 years of age, abuse, forgery, and subornation of forgery and false complaint, are punishable by imprisonment or fine, or both. He must, however, bear in mind, that as it is considered desirable to avoid having recourse to imprisonment, fine, wherever that affords a sufficient punishment, should first of all be imposed; the fine to be levied by distraint and sale of the offender's moveable property, and imprisonment should only be resorted to on failure to realise the fine. If he thinks fine up to 200 alone inadequate, he will sentence to imprisonment too; and if he thinks a severer punishment requisite than it is within his power to impose, he will record his opinion, and send the proceedings, with the defendant and witnesses, to the Deputy Commissioner.

6. But the talookdar magistrate will also investigate and prepare heinous cases, requiring much severer punishment, if they have occurred within the limits of his estate, which will be made over to him by the police. If he considers the proof sufficient, he will send the prisoner and witnesses to the deputy commissioner; in this case he will not hold a regular trial and record the evidence in detail, but will merely note the material facts. If he thinks the prisoner innocent, or the proof insufficient, he will detain him in custody and send the proceedings, with his opinion, to the magistrate.

7. Such cases as above described will be murder, culpable homicide, rape, dacoity, highway robbery, theft, and burglary of large amount, or accompanied with personal violence, attempts at the above, assaults and affrays attended with wounding, or in which arms have been used, forgery, arson, and child-stealing.

8. The talookdar magistrate will, in fact, hold much the same position as the tehseeldar magistrate; for though he, has the special, and the latter only the simple powers of a magistrate, yet the practice of substituting stripes for imprisonment in all felonies, not of a serious nature, and in other cases, will necessitate his referring most cases to the Deputy Commissioner. His extended powers will not generally come into operation except in misdemeanours. The rules, therefore, for the guidance of tehseeldar magistrates, laid down in Circular No. 26, of 23d February last, by the Judicial Commissioner will, in the main, be applicable to the talookdar magistrate, and a translation of them is subjoined for his information.

9. Heinous cases may come before the talookdar magistrate, without being made over to him by the police. He can investigate them on the complaint of the aggrieved parties.

10. He can receive petitions on paper of the usual stamp value, and petty misdemeanours, such as abuse, slight assault, sitting dhurna, will always come before him on the complaint

of the injured parties, as the police have no authority to send such cases before a magistrate. The restriction placed on the police against taking up cases of theft and burglary unattended with violence, except on complaint of the aggrieved parties, applies equally to the talookdar magistrate.

11. The talookdar magistrate may take cognizance of complaints of forcible dispossession from land, tanks, and houses, if preferred, within a month of the ejectment, not if a longer period has elapsed. In all such cases the talookdar will look to the fact of possession, not of right, and will maintain the party previously in possession; he must also satisfy himself that there has been *bonâ fide* forcible dispossession, otherwise he must not take up the complaint. It is very much the practice for petitioners to say they have been dispossessed, when they have been only threatened with dispossession, or fancy they have cause to apprehend it.

12. The talookdar magistrate will not take up charges of perjury, unless the act has been committed in his court.

13. The talookdar will appoint a secure place for the confinement of offenders under trial before him.* If accused of murder, dacoity, burglary, theft, they should be kept in irons. If of misdemeanors only, security or recognizances may be accepted. Male and female prisoners must be kept separate; witnesses must never be kept under restraint; indigent witnesses may be dieted at the rate of nine pie a day.

14. In very serious crimes, such as murder and dacoity, the tehseeldar is bound to proceed to the spot and there conduct the judicial investigation. This duty, if the crime occurs within the limits of his estate, will now devolve on the talookdar magistrate, but till all has acquired greater experience, it will be advisable for him to call in the aid of the tehseeldar, who will be directed to attend at once to his invitation.

15. Whenever in doubt as to his jurisdiction in offences, or powers of punishment, or on any other point, the talookdar magistrate should seek advice from the Deputy Commissioner, who is requested to afford it him at once, and to aid him at all times with friendly counsel and instructions.

16. An appeal from the judicial orders of a talookdar must be heard by the Deputy Commissioner, and never by any officer of less degree.

17. The police must obey all orders the talookdar magistrate may issue connected with the trial or investigation of a case, but he is not authorised to issue orders of a general nature to the police, such as to make a general search for arms, to withdraw a police post from one place, and to establish it in another. If he anticipates an affray, he should send information to the police, and, if necessary, accompany them to suppress it.

18. If some police posts in a talookdar magistrate's estate are situated near the Sudder station, the rule in para. 8 of the Judicial Commissioner's Circular, which directs that cases from these posts should come direct to the Deputy Commissioner's court, will be observed.

Mode of Procedure.

1. The talookdar magistrates must hold open court in a barradaree or other open place, at certain hours between sun-rise and sun-set, and any one must be allowed to enter.

2. He will use a seal, bearing the following inscription in English and Persian, "Cutcherry of Rajah so and so, talookdar of such a place, or owner (malik) of such and such raj, assistant magistrate."

3. Eight badges will be supplied to him, to be worn by his servants as chuprassees or muzkooree peons. As a general rule, he will summon witnesses and defendants through the police, but in petty misdemeanors, where it is right the complainant should bear the expenses of subpœna, he may summon them by muzkooree peons (process servers).

4. The talookdar magistrate must, in all trials on judicial investigations, interrogate the witnesses himself, and take down their depositions and the statement of the defendant in writing, with his own hand; his decision will be recorded in the same way. If he is ignorant of the Urdoo character, he can use the Hindee, and an Urdoo translation of the proceedings must be attached. But as this process would cause delay, it would be better that a son, nephew, or near relative be allowed to write for him. All interrogatives must, however, be put by him; no approach to the old condemned style of deposition writing can be permitted.

5. The witnesses should not be kept waiting, and they should be dismissed when the evidence

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* A havildar and eight sepoys of the military police will be allowed for his hawalat guard.

evidence has been taken; but a witness who prevaricates or withholds the truth may be detained.

6. He should endeavour to record evidence in concise terms, not allowing the witnesses to go off on irrevelant topics, but should confine them to the matter at issue.

7. He must take down the confession of prisoners in the prescribed form annexed, and he should record, as nearly as possible, the exact words of the prisoner.

8. Plaintiffs and witnesses must be sworn on the Koran and Ganges water, or in the manner most binding on their consciences. Defendants must never be sworn.

9. He must give copies of his orders to the parties applying for them on their furnishing the usual stamp paper and paying the costs of transcription, at the rate in force in the district.

10. When the talookdar magistrate has himself sentenced a prisoner, he will return any stolen property to the owner; but if the case is sent on to the Deputy Commissioner for orders, he will retain it until the orders are received. On giving up the property to the owner, he will take a receipt for it. If it consists of live stock, it should be made over to the owner while the case is under investigation, but the owner will not be at liberty to remove it from the neighbourhood of the talookdar's court until the case is disposed of.

11. All fines he will remit to the tehseel.

12. He will submit monthly the following returns to the Deputy Commissioner, copies of which are subjoined:—

1st. A return of fines imposed by him.

2nd. A return of cases pending before him at the close of the month.

3rd. A register of cases decided.

4th. A return of charges incurred in dieting prisoners and indigent witnesses.

Revenue Jurisdiction of the Talookdar.

1. The only court for the decision of summary suits between landlord and tenant, within the limits of the talookdar's estate, is that of the talookdar, who will in this respect exercise the powers of a collector of revenue.

2. He should appoint tehseeldars of approved character to sub-divisions of his estate, paying a rental of from 20 to 40,000 rupees. These tehseeldars will have the powers of landholders for the realization of the rents, by placing watchmen (shainas) over the crops, and preventing their removal from the threshing floor till the demand is satisfied; or if the crops have been removed, and an arrear has accrued, by distraining the moveable property of the defaulter (cattle and implements of husbandry excepted), and bringing them to sale after the usual notice through the talookdar, or the tehseeldar may proceed by summary suit before the talookdar.

3. In the latter case, the tehseeldar will bring the summary suit before the talookdar in exactly the same way as the talookdar's agent would have brought it before the collector. The plaint will be filed on the usual stamp paper of eight annas value for any amount of claim.

4. The talookdar will hear and decide the suit on exactly the same principles as the collector would do. As pottahs will have been given in all cases in which the rents are paid in money, and as the proportion will have been fixed wherever they are paid in kind, there can be no difficulty in coming to a decision. He can have the defaulter brought before him to answer the demand; and if it is decreed against him, the tehseeldar must sue out execution either against the personal property of the defaulter or against the tenure on which the balance has arisen.

5. If the defaulting tenant, against whom a decree has been given, is a mere cultivator (asamee), he can be ejected at once from the land; but if he is a sub-proprietor, his holding can be transferred for a term not exceeding five years to any one of the other sub-proprietors who will pay the arrear. If they refuse, the holding can be brought to sale, but the sanction of the Deputy Commissioner must first be obtained for sale.

6. When the village has been given in lease (ticca) the tehseeldar will proceed against the defaulting ticcadar in the same way; but the property of the ticcadar only, not of the sub-proprietor or cultivators of the village, will be liable to seizure in execution of the decree.

7. If the latter fail to pay the ticcadar, he can sue them by summary process in the talookdar's court. But ticcadars will not be allowed to exercise the landlord's powers of distraint. By the rules already laid down by the Chief Commissioner, the ticcadar must be a person connected with the village, and never a stranger or mere speculator.

8. Complaints of undue exaction, ouster from holding, and illegal distraint brought by ticcadars and other tenants against the tehseeldar, will be heard in the talookdar's court. Oppression of this nature on the part of his agents should be severely punished by the talookdar by the award of damages, in addition to refund of the sum illegally exacted; and it is confidently believed that the talookdar will deal out impartial justice, and show no leniency to his own agents who abuse their power. The rulers of many native states set him an example in this way. The Chief Commissioner will insist on the dismissal of any agent who shall have been frequently convicted of exaction, but he trusts the talookdar will be most careful in the selection of his agents.

9. But besides complaints of a specific nature like the above, the talookdar will hear any of a general or miscellaneous character against his agents, and if they are well founded give immediate redress.

10. Paras. 254 to 282 of "Directions to Collectors," explain the course of procedure in summary suits, and these should be studied by the talookdar, as a translation of that work is every where procurable, and most landlords possess it already.

11. It will not be necessary for the talookdar to record the proceedings in his own handwriting, but the orders passed in each case must always be signed and sealed by him.

12. All disputes between his tenants regarding the right to cut water-courses, to the use of wells for irrigation, and of manure, will be heard and decided by the talookdar.

13. He will also have authority to decide boundary disputes between villages belonging to his own estate in accordance with the simple rules laid down in paras. 8 to 13 of "Directions to Settlement Officers." But disputes between villages of his own and another person's estate must of course be heard by the district authorities.

14. An appeal will be open to every person dissatisfied with the orders of a talookdar, but it will lie to the Deputy Commissioner, and to him only.

15. Talookdars will submit monthly to the Deputy Commissioner a list of the summary suits of the three classes of cases specified in the form given in No. 1, of Appendix 26 of "Directions to Collectors."

(True copy.)

Charles Currie,
Offg. Secretary to Chief Commissioner, Oude.

TRADE TAX COLLECTIONS to end of June 1860.

Division.	Demands.			Collections.			Balance.		
	Rs.	*a.*	*p.*	*Rs.*	*a.*	*p.*	*Rs.*	*a.*	*p.*
Lucknow - - - -	4,98,334	–	–	3,48,151	5	–	1,50,182	11	–
Baiswara - - - -	1,91,325	2	6	1,36,571	5	2	54,753	13	4
Khyrabad - - - -	2,42,571	11	–	1,37,072	6	8	1,05,499	4	4
Baraitch - - - -	2,06,960	–	–	52,251	6	3	1,54,708	9	9
TOTAL - - *Rs.*	11,39,190	13	6	6,74,046	7	1	4,65,144	6	5

Charles Currie,
Offg. Secretary to Chief Commissioner, Oude.

(No. 3380 of 1860.)

From the Secretary to the Government of India to the Chief Commissioner of Oudh.

Foreign Department.

Sir, Fort William, 13 August 1860.

I HAVE the honour to acknowledge the receipt of Mr. Officiating Secretary Currie's letter, No. 1083, of 30th ultimo, submitting the annual report of the administration of the province for the year 1859-60.

2. The Governor General in Council observes, that most of the subjects treated of in the report have been already before Government, and do not now require separate notice.

3. With

3. With regard to the administration of Civil Justice, his Excellency in Council finds that most of the measures adopted by the Punjab government, with the sanction of the Government of India, for the improvement of the law, and procedure of the civil courts, have been introduced with good effect into Oudh.

4. The registration system, the Governor General in Council perceives, has progressed successfully. The success achieved in this matter in so short a time is highly creditable, and his Excellency desires me to express his approval of the measures adopted for carrying out the system of village registration.

5. His Excellency in Council also notices, with satisfaction, the early return to the ordinary law, in place of the Penal Acts, as stated in para. 27 of the report.

6. Under the head of Police, the Governor General in Council has carefully perused your remarks regarding village chowkeedars.

7. With respect to your observations in para. 68, regarding the compulsory report of petty crime, I am to observe, that all crime known to the police ought to be reported to the magistrate, even though the injured parties do not prosecute. Indeed, in proportion as the old system of rural police is retained, and the villages and zemindars are held responsible under it, the watch upon petty crime should be kept up. The rare occurrence of petty theft in native states, to which you allude, is owing not to the absence of reports, but to the fact that the thieves are punished, and that often in a barbarous way, by the village authorities.

8. His Excellency in Council has perused, with much gratification, the paragraphs of your report (133 to 135), in which you describe the complete success of the experiment of vesting some of the great landed proprietors with magisterial and fiscal powers, and desires that you will convey the thanks of the Government to all the gentlemen named in your 141st para. for the good spirit in which they have applied themselves to the discharge of their useful duties, by which much benefit has accrued both to Government and the people. Those specially mentioned by you as deserving commendation are the Maharaja of Bubrampore, Maharaja Maun Sing, Raja Roostum Sah, and Rajah Hurdeo Bux. The following gentlemen have also entitled themselves to the acknowledgments of Government for the support they have afforded to the local authorities, and for their excellent management as landlords; viz., Lall Shunker Bux, the Raja Moorarmow, Ghuzzuffur Hoosein, Raja Madho Pertab Singh of Koonwar (Fyzabad), Hunwunt Singh Kalakunkur and Surrubjeet Singh of Pertabgurh; Shere Bahadoor, talooqdar of Kumiar; Myput Sing of Purka, district Gonda; Mirza Ahmed Beg of Kootubnugger; and Shumsher Bahadoor, talooqdar in the Seetapore district; Fuzzool Russool and Mahomed Ushruf, talooqdars of Asufpoor, in Hurdui district; Raja Gowree Shunker of Marawan, and Raja Kashee Pershaud of Sissendee, in the Lucknow district; Thakoor Rama Bux and Hukeem Kurrum Ali, in the Durriabad district; the Rajah of Tiloee, in the Sultanpore district.

9. The Governor General in Council views with great satisfaction, and warmly approves, the efforts which have been made, as reported in para. 136, to promote friendly social intercourse between the officers of the commission and the native gentry of the province.

10. His Excellency in Council requests that the commendation of Government may be communicated to the officers whose names are specially mentioned in paras. 165 to 178 of the report.

11. The Governor General in Council desires me to bring to your notice that no statistical tables have been appended to the report, and to request that the Judicial Commissioner may be desired to append to his report statistical returns similar to those submitted by the Judicial Commissioner of the Punjab. It would be useful, too, if the tables furnished were as nearly as possible the same as those in use in the Punjab, which have been prepared with great care and attention. A set of the Punjab forms are herewith forwarded for adoption in Oudh, if they appear suitable.

I have, &c.
(signed) *C. Beadon*,
Secretary to the Government of India.

Political Department.

The Secretary of State for India to the Right Honourable the Governor General of India in Council; dated 17 August (No. 105) of 1861.

1. The letter of your Excellency's Government, No. 175, of the 19th of November 1860, encloses the Administration Report of the Province of Oude for the year 1859-60.

2. Having considered this report in Council, together with the several letters noted in the margin,* which are for the most part illustrative of the statements advanced and the opinions recorded by the Chief Commissioner (Mr. Wingfield) in his annual report, I proceed to notice such portions of the papers before me as call for observation from Her Majesty's Government.

3. The general progress of the province during the period under review appears to be of a most satisfactory character, and warrants me in offering my congratulations to your Excellency on the success which has attended the administrative efforts of your officers in a country so recently in a state of internal anarchy and convulsion.

4. The system upon which you resolved to reconstruct the administration of Oude, on the re-establishment of tranquillity in that province, was that of restoring to power and authority the talookdars and other influential chiefs, whose rights and interests had not been sufficiently regarded in the arrangements made upon the first occupation of the country. To the principle of this measure Her Majesty's Government have already expressed their assent, and they have watched its operation with the liveliest interest. The liberal terms on which the talookdars were restored to their old possessions, and on which grants of further lands were made, in reward for meritorious service, were well calculated to secure the zealous attachment of this class; and I rejoice to learn that they appreciate the benefits conferred upon them. Before the assumption of the administration of Oude by the British Government, the more powerful landholders had lived in a perpetual state of antagonism to the sovereign authority and to the law of the land. But the experience of the past two years appears to justify the belief that this was the result of the system of government under which they lived, rather than of any inherent incapacity for better things. Under more kindly influences, they have now begun to maintain the order they had violated, and to support the authority they had defied; and Her Majesty's Government are encouraged by the reports now before them to look with confidence to the progressive results of the policy which your Lordship has commenced, and which, I perceive with satisfaction, has been materially promoted by friendly intercourse between your officers and the principal landowners of the province.

5. The enclosures to your separate letter, No. 62 of 1860, exhibit the details of your scheme for investing some of the most influential and respectable of the talookdars with magisterial and fiscal authority; and your letter, No. 44 of 1861, reports the results of the experiment, so far as they had been ascertained up to the beginning of the present year.

6. Her Majesty's Government concur with your Excellency in opinion that these results, as reported by the Chief Commissioner, are on the whole satisfactory and encouraging. The native gentlemen who have been associated with the officers of your Government are represented to have performed the duties entrusted to them with assiduity and impartiality. The number of appeals from their courts is stated to be smaller, on the average, than from the courts of the subordinate native judicial officers of your Government. But your Excellency truly observes that this does not prove that the work is better done, because "it is natural that litigants living under the jurisdiction of these talookdars should be cautious of appealing unless confident of their case."

7. It

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* Governor General's, 24th January (No. 7) 1860. Governor General's, 16th March (No. 28) 1860; 3d July (No. 62) 1860; 22d October (No. 148) 1860; 8th November (No. 158) 1860; 8th May (No. 44) 1861; 8th May (No. 49) 1861; 22d May (No. 61) 1861.

7. It is in this direction, as your Excellency is aware, that the weakness of the system lies, and therefore the greatest caution and vigilance are to be exercised. In your Secretary's letter of the 30th of March to the Chief Commissioner it is very properly observed, that the object in conferring these powers upon the principal talookdars was "not merely to confer a favour or a boon upon them, but also to associate them with the administration of their country, and to knit them to the Government;" and it is added, "that they must be made to understand what the Governor General has already, in very similar circumstances, said to the sirdars of the Punjab, that they are entrusted with these powers, not for their own purposes alone, but for the public good." You then advert to a natural tendency observable in the talookdars to endeavour to acquire revenue powers, the possession of which is desirable for their own purposes (as giving them powers of adjudication in cases in which they are personally interested), without at the same time taking upon themselves magisterial duties which, whilst equally or more onerous, are not coveted for the sake of the personal advantages which they yield to those who perform them.

8. It certainly seems to me that the revenue jurisdiction which you have entrusted to the talookdars ought not to extend to cases in which they are personally interested, and that all such cases ought to be reserved for the decision of European officers. It is open to consideration, too, whether, in limiting to the Chief Commissioner the power of censuring any abuse of authority on the part of the talookdar, you have not unduly relaxed the restraints which it is expedient to impose upon him, and whether it would not be better to entrust this power to district and divisional officers who are on the spot.

9. I have already called your attention to the important point that the rights of under-proprietors should be clearly defined and jealously protected. In my Despatch of the 24th of April 1860 I called the attention of your Excellency's Government to this subject; and I have since consulted the correspondence which you have forwarded with much anxiety, to ascertain the measures which might be in progress for the accomplishment of this important object. I observe that in his annual Report the Chief Commissioner speaks favourably of the contentment of the under proprietors, and states that they have had no difficulty in fulfilling their obligations to the talookdars. The papers officially reported are wanting in detailed information upon this point. I gather, however, from a circular entitled "Record of Rights" (placed in my hands by Mr. Wingfield, to whom I applied for information on this subject), which the Chief Commissioner in January last issued to his subordinate officers, that, in consequence of my instructions, some measures have been taken to protect the rights of the under proprietors, and I shall be glad to learn from your Excellency's Government that these measures have been found, in practice, to be sufficient, especially in the case of those proprietors who, in 1856, were admitted to direct settlements with your Government, but have since been placed in subordination to the talookdars. I abstain from further remarks upon the contents of this paper until such time as I shall receive it officially from your Government, with your Excellency's comments on the subject. I must, however, observe, that the definition of the rights of the subordinate holders is based too exclusively upon the status of 1855, which was a period of misrule and disorder.

10. Another very important matter affecting the status of the landed aristocracy of the country, is the question of primogeniture. A difference of opinion appears to have arisen upon this point between the Chief Commissioner and your Excellency's Government. As to the soundness of the principle, so far as its tendency is to maintain the position of the landed proprietors by preserving the integrity of their estates, there was no diversity of sentiment. But, whilst your Government were inclined to limit its application to intestate estates, and to give the proprietor full right to dispose of his lands, in whole or in part, to whomsoever he might wish, by gift, mortgage, or bequest, the Chief Commissioner desired to restrict that right, not by imposing any new limitations, but by those already enforced by Hindoo and Mahomedan law and by our civil courts.

11. I do not perceive why, on grounds either of justice or of policy, your Excellency's Government desire to give the talookdars a more absolute control over their estates than would have been the case if they had inherited them from

their ancestors. In such cases the estates would have been subject to the prescribed conditions of such property, and could not have been disposed of in the unrestricted manner in which the proprietors are now declared by you to be competent to give or bequeath them to whomsoever they please. And, when I consider the effects of Zenana influence, the frequency of family dissensions, and the general tendency to intrigue amongst these people, it appears to me that this latitude of disposal, against which the Chief Commissioner has respectfully protested, may prove an obstacle to the accomplishment of the object which you most desire to realise, the preservation of property in the hands of the lineal representatives of the great families of Oude.

12. Your measures for the general disarming of the province appear, on the whole, to have been pushed forward with success. It was to be expected that considerable reluctance would be shown to yield practical obedience to the orders of your Government, especially where the possession of arms was considered to add to the dignity of the possessor. I learn, therefore, with no surprise, that many attempts, of which you are cognisant, had been made to evade the law, and that you had been compelled to enforce the penalties of fine and confiscation in the case of several large talookdars. There are, doubtless, many other cases of concealment, which have escaped the detection of the authorities, whose duty it will be, for some time to come, to exercise the utmost vigilance. I entirely approve of your having authorised some relaxation of the law with respect to those inhabitants of the country contiguous to the new Nepaul frontier, who were exposed to the attacks of the beasts of the jungle.

13. The cases of resumption of rent-free tenures appear to have been few, the Chief Commissioner having rightly given the most liberal interpretation to the orders of your Government with respect to the rights and interests of the several grantees.

14. I observe that the important subject of the clearing of jungle lands, of which there have long been considerable breadths in Oude, has engaged the attention of the local administration. There were two objects to be attained by these clearances. Firstly, with respect to those belts of almost impenetrable jungle which surrounded and fortified the dwellings of the great talookdars, it was a primary object to destroy these defences, which had enabled them to defy the authority of their native rulers, and which might have presented a formidable obstacle to the administrative operations of our own Government. And, secondly, there was the general object of increasing the area of cultivable land. By granting clearing leases rent-free for a sufficient number of years, you will, I trust, attain all the ends which you had in view, care being taken to give the landholders upon whose estates these tracts of waste land border, the first claim to their cultivation under such leases.

15. Among the miscellaneous subjects treated of in these papers is that of the bestowal of rewards on individuals who sheltered, or otherwise assisted, European and other Christian subjects of the British Government, during the recent period of rebellion. I observe with satisfaction that these have generally been awarded with a liberal appreciation of the claims of the persons who have thus distinguished themselves. Where jagheers have been granted for such service, you have properly caused its precise nature to be recorded in the sunnud.

16. In the department of the administration of justice, considerable progress appears to have been made towards the efficient organization of measures for the protection of life and property. The period under review was an exceptional period. The immediate tendency of the late convulsions in Oude was naturally to burden the criminal and to relieve the civil courts, so that no just conclusion can be derived from it of the normal state either of crime or of litigation in the province. In addition to the large number of criminals who had been personally concerned in or who had aided and abetted the more heinous acts of the late rebellion, the files of the criminal courts must, at such a time, have contained the names of many offenders whose crimes were the growth of the exceptional lawlessness and licentiousness of the two preceding years. But whilst, for these reasons, the speedy diminution of crime is to be looked for, you must expect, on the other hand, as a result of the restoration of public tranquillity and confidence, a more frequent resort to the civil courts.

17. As

17. As it is my intention that the judicial and police business of Oude shall, in future, be considered in the judicial department, I shall, in this Despatch, only further express my approbation of the arrangement which you have made for investing the assistant secretary, acting under the directions of the Chief Commissioner, with authority to decide all questions connected with political pensions paid under engagements between the British Government and the native rulers of Oude. These cases will henceforth be considered, as before, in the political department.

18. It only remains for me to express the satisfaction with which Her Majesty's Government regard the very efficient manner in which the onerous and responsible duties of the Oude Commission have been discharged, during the period under review, by Mr. Wingfield and the several functionaries named in the concluding paragraphs of his annual report; and to express the earnest hope of Her Majesty's Government that the continued success of British administration in Oude may ever remain, in the emphatic language of your Excellency's address to the talookdars assembled in durbar at Calcutta, "a standing proof that, in spite of bygone animosities, and of the broadest differences of race, religion, and social usage, a generous and trustful rule is the surest way to make a loyal and dutiful people."

I have, &c.
(signed) *C. Wood.*

PAPERS

RELATING TO THE

ADMINISTRATION OF OUDE.

(Presented to Parliament by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1861.

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EAST INDIA (OUDE).

RETURN to an Address of the Honourable The House of Commons, dated 7 June 1861;—*for*,

A "COPY of any LETTERS from the Secretary of State for *India* to the Governor General of *India* in Council, subsequent to the 26th day of May 1860, calling for a Reply to the Reference that was then made to the Governor General, on the subject of certain CLAIMS which have been preferred on the late Government of the State of *Oude*."

India Office,
13 June 1861.

J. W. KAYE,
Secretary, Political Department.

POLITICAL DEPARTMENT.

The Secretary of State for India to the Governor General of India in Council, dated 22d December (No. 94) 1860.

1. I FORWARD to your Excellency's Government the copy of a Memorial addressed to me by Mr. Wellesley Bowes Prendergast, relative to certain claims preferred by that gentleman on the late Government of Oude.

2. This appears to be the case referred to by you in the 41st paragraph of your letter of the 17th May 1859, in which you state that you "abstain from offering any opinion on the claim" in consequence of the case being under consideration in this country, on a reference made by you to the Court of Directors on the 8th October 1856.

3. The case does not appear to have been submitted by you for the consideration of the Court of Directors. In the Despatch above quoted reference is made, among other subjects, to certain papers connected with the case, which you seem to have thought, from an expression contained in those papers, had been brought by Mr. Prendergast before the Court, and was under their consideration.

4. In point of fact, this was not the case. It is necessary, therefore, that this claim, as well as the other claims on the late Government of Oude, should be investigated and reported on in the manner prescribed in the Despatch of the late Court of Directors of the 17th June 1857.

5. I take this opportunity of calling the attention of your Government to my Despatch of 26th May last, regarding the agency by, and manner in which, reports on these claims should be conducted, and to request that you will state how the investigations were made in the cases reported in your letter of the 17th May 1859.

I have, &c.
(signed) *Charles Wood.*

EAST INDIA (OUDE).

COPY of LETTER from the Secretary of State for *India* to the Governor General of *India* in Council, dated 22 December 1860, calling for a Reply to the Reference that was made to the Governor General, on the subject of certain CLAIMS which have been preferred on the late Government of the State of *Oude*.

(*Mr. Torrens.*)

Ordered, by The House of Commons, *to be Printed*,
14 *June* 1861.